

FEDERAL SUBSISTENCE BOARD  
Board Meeting of May 3-6, 1999

Location of Meeting  
The Egan Center  
Downtown Anchorage, Alaska

Transcript of  
May 3, 1999  
(Pages 1 - 84, Inclusive)

Board Members in Attendance:

Mitch Demientieff, Chairman  
Dave Allen, U.S. Fish and Wildlife Service  
Warren Heisler, Bureau of Indian Affairs  
Niles Cesar, Bureau of Indian Affairs  
Judy Gottlieb, National Park Service  
Don Ostby, U.S. Forest Service  
Sally Wisely, Bureau of Land Management

Keith Goltz, Office of the Solicitor

Others:

Ida Hildebrand, Bureau of Land Management  
Tom Eley, U.S. Fish & Wildlife Service  
Tom Boyd, U.S. Fish & Wildlife Service  
Sandy Rabinowitch, National Park Service  
Ken Thompson, U.S. Forest Service  
Peggy Fox, Bureau of Land Management  
Dan O'Hara, Bristol Bay Advisory Council Chair  
Vincent Tutiakoff, Kodiak-Aleutians Advisory  
Council Chair  
Ralph Lohse, Southcentral Advisory Council Chair  
Ronald Sam, Western Interior Advisory Council  
Acting Chair  
Bill Thomas, Southeast Advisory Council Chair  
Willie Goodwin, Northwest Arctic Advisory  
Council Chair  
Fenton Rexford, North Slope Advisory Council Chair  
Grace Cross, Seward Peninsula Advisory Council Chair  
Harry Wilde, Yukon-Kuskokwim Delta Advisory  
Council Chair  
John Andrew, Coordinator  
Elizabeth Andrews, Alaska Department of Fish & Game  
Taylor Brelsford, U.S. Fish & Wildlife Service

- 1 Other Staff Members in Attendance:
- 2
- 3 Pat McClenahan

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Pacific Rim Reporters

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## P R O C E E D I N G S

(On Record- 1:04 p.m.)

CHAIRMAN DEMIENTIEFF: Good afternoon, ladies and gentlemen. I'd like to welcome you to the meeting of the Federal Subsistence Board. I guess at this time we'll go ahead and go around and do introductions.

My name is Mitch Demientieff. I'm from Nenana and I'm Chairman of the Federal Subsistence Board.

(Introductions of those in attendance as reflected on Page 1 hereof)

TOM BOYD: We have Joy Brauer, she's a realtime reporter, recorder, and we have the advent of the new technology that we're employing this year for those who have difficulty hearing, as well as those of us who don't pay very good attention. We have realtime captioning with the TV screens we see in the center of the floor, as well as on the large screens to the side of the room. So welcome, Joy.

(Introductions continue around the table)

CHAIRMAN DEMIENTIEFF: Are there any other corrections or additions to the agenda?

NILES CESAR: Mr. Chairman, if I might, I've been approached concerning the agenda for Wednesday afternoon, I believe. Wednesday afternoon, I believe that we're taking up the Kenaitze issue and as I understand, there's a number of people from Kenaitze who are planning to be here and to testify, but they find themselves in a conflict of time because at 3:00, as I understand it, will be the march, AFN march and the Kenaitze people wanted to participate in that and they were wondering if there was some way that we could accommodate that request, either by picking it up at a different time or doing part of the testimony there and allowing an adjournment so that they could attend that march. I just raise that as an issue.

CHAIRMAN DEMIENTIEFF: That march is at 3:00?

NILES CESAR: Yes, sir, that's my

1 understanding, unless I'm to be corrected.

2

3 CHAIRMAN DEMIENTIEFF: Did you get an  
4 indication on whether or not they want to continue on  
5 that evening with testimony after the march or --

6

7 NILES CESAR: Let me check. Is Lare  
8 here? Actually, I don't see Lare. I can't see that  
9 far. Lare told me that they would be amenable to  
10 doing, say, an hour of testimony at one or so and then  
11 picking it up later. He didn't indicate to me what  
12 time he thought that Kenaitze would want to do that.  
13 And maybe -- maybe if he shows back up in here, we  
14 could ask him. I don't know if anybody else has any  
15 information on that.

16

17 CHAIRMAN DEMIENTIEFF: Yeah, I would  
18 think there would be some way to accommodate. We'll  
19 just work with their delegation maybe when they get  
20 here, see what's possible.

21

22 The other thing that will be advised is we were  
23 advised this morning by the chair from the North Slope  
24 that their muskox management agreement has been made  
25 and if it's possible for us to get a staff committee  
26 recommendation prior to adjourning -- or prior to  
27 getting done with this meeting, we will try to  
28 accommodate that agenda change, too. Something I  
29 guess we just found out this morning, it's prepared  
30 and ready now for board consideration. So if it's at  
31 all possible, we should know more about that in the  
32 morning, by the morning, but if it is at all possible,  
33 we will add that to this agenda, as well. Is there  
34 anything else? Mr. Rexford?

35

36 FENTON REXFORD: In the consent agenda, I  
37 don't know how we'll proceed as far as removing items  
38 from the consent agenda, just around the table.

39

40 CHAIRMAN DEMIENTIEFF: Yeah, we will ask  
41 if there are any items that people have requested to  
42 be removed off the consent agenda at that time.

43

44 Any other comments or concerns with regard to the  
45 agenda?

46

47 (No response)

48

49 CHAIRMAN DEMIENTIEFF: Do we have any  
50 requests for public testimony generally at this time?

1 I don't have none in front of me.

2

3 The requests to testify, the little blue form is  
4 available in the back table here, so any time anybody  
5 that wants to make a request to testify either  
6 generally or to specific proposals, please stop by the  
7 table in the back and fill those out and we will get  
8 you on the -- for testifying.

9

10 Okay, we do have the consent agenda. Before we  
11 get into that, we do have one request to testify.  
12 Ted, Bristol Bay.

13

14 TED KRIEG: Yes, Mr. Chairman, my name is  
15 Ted Krieg, Bristol Bay Native Association. I work in  
16 the Natural Resource Department. I was going to bring  
17 this up later on during Bristol Bay time, but one  
18 problem that we have run into due to the decline of  
19 the Northern Alaska Peninsula caribou herd is the fact  
20 that we had to go through State regulations. We're in  
21 a Tier II hunt and there's already been a lot of  
22 decisions made. Tier II applications are due at the  
23 end of this month. We held some training last week to  
24 get people up to speed on the whole Tier II process,  
25 but having the board meeting at this time in May, it  
26 ended up being a little bit late. You know, I know  
27 it's tough when you got State and Federal things going  
28 on, but just to make you aware of that problem.

29

30 CHAIRMAN DEMIENTIEFF: So were you  
31 concerned about the lateness of our meeting date?

32

33 TED KRIEG: Yes. And I guess part of the  
34 Regional Council, Bristol Bay Regional Council made  
35 some recommendations about coordinating with what was  
36 going on with the State Tier II hunt and so they're  
37 basically working, working together, but yet there's  
38 decisions that are being made. You know, the State's  
39 already up and running and you know, Tier II  
40 applications are available and there's a short window  
41 of opportunity, just basically the month of May, maybe  
42 another week or so, depending on when everything is  
43 ready, for people to apply, but now we're waiting  
44 till, you know, this is the first week of May for the  
45 decisions to be made about what's going to -- you  
46 know, if the Federal Subsistence Board goes along with  
47 the Regional Council recommendations and then for the  
48 federal process to actually kick in, because there's  
49 going to be a permit system for the federal process  
50 for hunting Northern Alaska Peninsula caribou herd

1 also, or at least that's up to the Board to decide,  
2 but that's the way things are pointing.

3  
4 So anyway, I just thought I'd bring that up, that  
5 this late date for the Federal Subsistence Board  
6 meeting is kind of a problem, you know.

7  
8 CHAIRMAN DEMIENTIEFF: Well, I was just  
9 refreshing on -- we just made the change, oh, a couple  
10 years ago, and the concern was that we wanted to give  
11 staff committee a little bit more opportunity to make  
12 recommendations, so it was kind of compressed. We  
13 used to meet, what was it, first week of April? Yeah,  
14 it was first week of April. We bumped it back  
15 actually a whole month, but you wouldn't break my  
16 heart if you started a big movement to move us up a  
17 month. I like the April meeting date, you know,  
18 myself, a little bit better. The season is on at home  
19 and I'm down here for the week. Niles?

20  
21 NILES CESAR: Yes, Mr. Chairman, I just  
22 wanted to question you on your training that you had.  
23 You had it in Dillingham?

24  
25 TED KRIEG: No, we had it Port Heiden.

26  
27 NILES CESAR: Oh, Port Heiden. How did  
28 it go?

29  
30 TED KRIEG: It went well. We had a good  
31 turn-out and a lot of questions and I think people  
32 really understood the whole, you know, Tier II process  
33 a lot better. And that's kind of where, you know, my  
34 comments about the late time for the Federal  
35 Subsistence Board meeting come in is because, you  
36 know, we already know what's going to happen with the  
37 State but I can't say definitely what's going to  
38 happen in the Federal system and this has created so  
39 much -- well, people are, you know, aren't sure of the  
40 whole process and you know, there are some  
41 misconceptions about some of the things that go along  
42 with the Tier II, applying for it. So it was just  
43 confusing for people -- or for me.

44  
45 NILES CESAR: I just wanted to check, see  
46 if my money was well spent.

47  
48 TED KRIEG: Yes, thank you. It was well  
49 spent.

50

1 CHAIRMAN DEMIENTIEFF: Okay, thank you.  
2 Thank you very much.

3  
4 We do have the consent agenda items here.  
5 Normally we give the opportunity now for any items  
6 that are requested to be pulled and we'll also try to  
7 give opportunity as we switch regions and regional  
8 consideration to pull any items that may want to be  
9 pulled when we start each region.

10  
11 Are there items that are requested to be pulled  
12 off the consent agenda? Fenton?

13  
14 FENTON REXFORD: Before I request a  
15 removal of North Slope's proposal, could you -- in our  
16 agenda that you gave us, just reading the recommended  
17 actions and the RAC's proposals that were submitted to  
18 request the Board to remove them from the consent  
19 agenda. Could you have someone elaborate on that a  
20 little bit? I'm disputing the deferral of the  
21 recommended action here. I want to bring it back on  
22 the table to discuss related matters to muskox. I  
23 think it would be -- I don't know when that would be  
24 brought up before the table, on the reasons for  
25 pulling the items off the consent agenda, to be put on  
26 the table.

27  
28 TOM BOYD: May I?

29  
30 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

31  
32 TOM BOYD: The consent agenda was simply  
33 our interpretation of where all of the primary parties  
34 were in agreement. This is, at this point, a proposed  
35 consent agenda and if anyone objects to an item being  
36 on the consent agenda, then it would be pulled. The  
37 idea is that we wanted to consolidate as many of those  
38 and take care of them in one motion where everyone was  
39 in agreement. If someone obviously is in  
40 disagreement, then that item will go back on the  
41 agenda, get a full hearing of the Board and a full  
42 deliberation at that point.

43  
44 IDA HILDEBRAND: In reference to  
45 Mr. Rexford's statement of wanting to discuss related  
46 matters, perhaps it would be more appropriate to  
47 discuss those related matters when we discuss the  
48 management plan that you directed the staff committee  
49 to review.

50

1                   CHAIRMAN DEMIENTIEFF: That could be --  
2 it could be done either way. I mean, if you want us  
3 to pull this off of the consent agenda, is this  
4 Proposal 63 that you're talking about?

5  
6                   FENTON REXFORD: Yes, sir, Mr. Chairman.  
7 It's the proposal from the North Slope and I think I  
8 do not want to lose an opportunity to -- to present  
9 Proposal 63 which it interties with our muskox harvest  
10 plan and this is my only opportunity to discuss that  
11 in front of you, rather than just sit back and say,  
12 okay. So if that could be done, Mr. Chairman, I  
13 request to put 63 on the table and removed from the  
14 consent agenda, or request anyway, your  
15 consideration.

16  
17                   CHAIRMAN DEMIENTIEFF: So yeah, we do  
18 have a request to pull Proposal 63 off the consent  
19 agenda.

20  
21                   FENTON REXFORD: Yes, sir

22  
23                   CHAIRMAN DEMIENTIEFF: Okay. We shall do  
24 that. Any other requests at this time?

25  
26                   Hearing none, we'll go ahead and move on with  
27 the -- to our first region, Seward Peninsula. The  
28 first item up will be the Proposal Number 46 and we're  
29 ready for the staff report on that.

30  
31                   DONNA DEWHURST: 46 and 47 are treated  
32 together in the analysis. 46 is basically the special  
33 action that was originally made to allow for a joint  
34 state and federal hunt. 46 basically will make that  
35 special action into a permanent action on the  
36 regulations. 47 is basically a dispute among -- or  
37 about one specific aspect of that joint federal and  
38 state hunt and that's the way the federal permits are  
39 divied up in Unit 22(D), Subunit 22(D).

40  
41                   You might want to -- I'm going to be referring to  
42 three tables real briefly. One of them is about three  
43 pages into the analysis, called Table 1 in there. And  
44 then Table 2 and Table 3 I think are placed at the  
45 tail end of the analysis. I'll be referring to both  
46 of those two and then the Appendix 1, which I also  
47 think is at the end of the analysis. So just to give  
48 you a heads-up so I don't just mention those and you  
49 don't -- and you're scrambling to look for them. Kind  
50 of have an idea of where those are because I'll be



nsensus on where to go. There's still bickering

10 over specifics but the general game plan everybody  
11 seems to be pretty happy with and we're marching along  
12 in that direction, which hence is Proposal 46 and it's  
13 a joint federal and state hunt. There were pros and  
14 cons on both systems and having both systems work  
15 together kind of mediated between the pros and cons.  
16 They matched very nicely, mated quite nicely between  
17 the two systems in this case.

18

19 The problem with the Federal only system, which  
20 is what we've had for several years, is in cases like  
21 in 22(D), Subunit 22(D) where we have only 15% is  
22 federal lands, we would have to make the local  
23 villagers go a fairly good distance to get a muskox,  
24 where with the State system, they can harvest anywhere  
25 in that subunit, and if they're also a rural user,  
26 they can use that State permit also on federal land.  
27 So that's where the matching of the two systems works  
28 very nicely.

29

30 The State system is a Tier II subsistence system  
31 and the only problem there we've found and it's not --  
32 part of it is being new to the area, the system being  
33 new to the region is the local villagers are a little  
34 slow to accept the State system, but the State  
35 biologist, Kate Persons, and her crew are making a  
36 huge effort into letting it be accepted and part of it  
37 is going to take some time because the Federal system  
38 has been around for a couple years, the State system  
39 is brand new and just human nature, they're a little  
40 reluctant to just jump on the band wagon. So right  
41 now, they're a little more comfortable, the villagers  
42 are a little more comfortable with the Federal  
43 system.

44

45 The way the permits were allocated, which is on  
46 that Table 2, which is the two long tables or two  
47 horizontal tables, that was decided by the individual  
48 villages as to whether they wanted more permits on the  
49 State side or more on the Federal side. Some of them  
50 were a little lopsided but that was as per the

1 villagers request. That's how we allocated. So all  
2 of this was done with consensus or with input from the  
3 villages, themselves, and we try to make a big effort  
4 there.

5  
6 So there isn't a whole lot of debate over the  
7 fact that it -- the state and federal permits,  
8 state/federal hunt will continue. The debate comes as  
9 to how to allocate between the state and the federal  
10 permits and the real nuts and bolts of it boils down  
11 to Unit 22(D), which is hence Proposal 47. 22(D), as  
12 I already mentioned only has 15% federal lands, which  
13 is a real small chunk, but the percentage of federal  
14 permits is much higher, but that was as -- as per the  
15 request of those villages.

16  
17 If we go back to Table 1, we've been doing muskox  
18 surveys about every two years there in that particular  
19 region. Every region is a little different. That  
20 region they do them every other year. They try to do  
21 a complete census, meaning they try to go out flying,  
22 count every single animal. It's a big joint effort  
23 between multiple agencies. That '96 survey you notice  
24 is quite a bit lower than some of the other surveys.  
25 That was an incomplete census. Some weather hampered  
26 things that year. So take it with a grain of salt.  
27 So because of that, I would lean you to looking at --  
28 back to '94 and comparing '94 to '98 and figuring '96  
29 probably would fall somewhere in between the two,  
30 instead of that big dip.

31  
32 Even looking at '94 to '98, and we're looking  
33 just at 22(D) now, you see that the overall population  
34 in the whole unit, which is under that column total,  
35 has almost doubled in the four years. It's gone up  
36 considerably. While if you look at just the number of  
37 animals on federal lands, which includes both BLM and  
38 Park Service lands, the numbers are going down. Now,  
39 I would take that with a grain of salt. I would be  
40 inclined to say they're stable. Even though they've  
41 gone down, they've gone down, it's not significant in  
42 the amount that they've gone down. If you threw  
43 statistics on there, it would basically say the  
44 population is stable on federal lands.

45  
46 Now the debate has come as to whether or not we  
47 should consider that micro managing on federal lands,  
48 versus just looking at the overall population of  
49 22(D), which has almost doubled. Well, the problem I  
50 see there is we're issuing permits to be -- animals to

1 be taken only on federal lands. As long as we  
2 continue to issue permits for federal lands, it puts  
3 us kind of in a bind that we have to look at those  
4 animals separately. Muskox do move around, but not a  
5 lot. The mixed sex groups have pretty much stayed in  
6 the same areas. There hasn't been a whole lot of  
7 movement. Most of the movement we've seen has been  
8 single bulls and additional mixed sex groups that have  
9 formed as the population has increased.

10  
11 What we haven't seen is a big influx into that  
12 area. If you did look at the '96 numbers, there -- on  
13 federal public lands, there was a jump of about 32%,  
14 but then you look back to '94, you say well, no, there  
15 wasn't, but the overall numbers have increased. The  
16 concern I have as a biologist is to me, this is  
17 circumstantial evidence, but it lends to be a red flag  
18 and if something's going on those mixed sex groups,  
19 we're talking very small numbers, somewhere 50 to 80  
20 animals on federal public lands in that area and they  
21 aren't increasing over the past four years, where  
22 while the animals on the whole rest of the area have  
23 increased, they've almost doubled. Some of that  
24 doubling has been actual reproduction, some of that  
25 doubling is probably animals moving into the area from  
26 other areas. It's circumstantial evidence and the  
27 only impact we know of is hunting and we have had the  
28 federal hunt going on on federal public lands for the  
29 past few years. I'm just saying that the fact that  
30 that population hasn't gone up, we don't know why. We  
31 don't know if it's lack of reproduction or lack of  
32 animals moving into the area because of disturbance.  
33 We don't have those answers, but we just know that it  
34 isn't increasing like the rest of the area. To me,  
35 that's a little warning flag that we should proceed  
36 cautiously and conservatively.

37  
38 The percentage, if you go back to Table 2, the 12  
39 permits for federal public land, the -- okay, let me  
40 back up here. The total permits, the way it was  
41 issued was based on a five percent harvest profile,  
42 i.e., the cooperators agreed to try to harvest around  
43 the five percent level. If you look at the 12 permits  
44 issued for 22(D), that actually represents somewhere  
45 between 15 and 29 percent, much higher. Now, if you  
46 took that and said how many animals are actually on  
47 BLM land and we subdivided, took away the split, which  
48 is what's going on, right now half the permits have to  
49 be on Park Service land, half to be on BLM land.  
50 There were around, the ballpark, around 20 animals on

1 Park Service land on the last survey. If you subtract  
2 those, then we're down to around 50 animals, give or  
3 take, on BLM land. That harvest percentage is going  
4 to go up even more because that 15 to 27 percent was  
5 based on all animals on all federal public lands,  
6 including the Park Service.

7  
8       You take those away and you say, okay, we're down  
9 to about 50 animals we're talking about on BLM land,  
10 well how many of those are mature bulls because our  
11 harvest is only mature bulls. We don't have a good  
12 sex age composition, but if you were to be  
13 conservative, you'd say, well let's say 30 percent are  
14 mature bulls. Well, then we're talking 15 to 20  
15 animals and we're talking potentially issuing 12  
16 permits if we remove the split.

17  
18       All I'm saying is that's -- we need to be  
19 careful. It could represent an overharvest. We don't  
20 know. I can't say that a hundred percent that it's  
21 going to be an overharvest. I'm just saying that the  
22 past couple of years to me indicate to proceed with  
23 caution and to proceed slowly and it may or not be a  
24 problem. We won't know -- the next survey will be in  
25 the year 2000. So we didn't have any survey in 1999,  
26 just this past few months. They're usually done in  
27 March. We will have a next survey next year so we'll  
28 know a lot more by then, but we unfortunately have to  
29 make a decision right now and based on the information  
30 we have right now, the staff advice is to proceed with  
31 caution. And that's where the original recommendation  
32 was to defer. That was based along that and based  
33 along the fact that that's the way the villages were  
34 leaning.

35  
36       A logical -- if you look at this and try to piece  
37 together the whole picture, logic would say well let's  
38 just give some more permits to the State. That would  
39 solve our whole problem, let's kick four or six  
40 permits over to the State side. Those could be used  
41 anywhere in Region 22(D) which would distribute the  
42 harvest and get rid of our whole problem. That was  
43 presented to the regional council last fall and the  
44 representatives from the two villages that are  
45 affected, Teller and Brevig Mission were very much  
46 against that. That falls back to right now they're  
47 slow to accept the Tier II system and they don't want  
48 to necessarily put more permits into it. They want to  
49 keep more into the federal side. So we're kind of  
50 stuck there.

1 I think down the road we will be putting more  
2 permits on the state side but it's going to be a slow  
3 process and the biggest thing with the deferral, the  
4 original recommendation of deferral and the Council's  
5 recommendation of deferral was to give the whole  
6 process a little bit more time to work out and to  
7 build consensus, because this whole state/federal  
8 program was a long, very long consensus building  
9 activity or progression and we're trying to keep that.  
10 We're trying to keep the consensus going and trying to  
11 work with what the villages want. That's the biggest  
12 thing. The biology is a factor, certainly, and the  
13 biology would set up some little red flags that just  
14 say be careful, but it's not definitive. There's no  
15 black and white answer of what's going to happen over  
16 the next year. That's kind of where we stand right  
17 now.

18  
19 CHAIRMAN DEMIENTIEFF: Staff committee  
20 recommendation.

21  
22 PEGGY FOX: Thank you, Mr. Chair. The  
23 interagency staff committee recommendation for  
24 Proposal 46 is to adopt it consistent with the  
25 recommendations of the Seward Peninsula and the  
26 Northwest Arctic Regional Councils. With regard to  
27 Proposal 47, the recommendation is to adopt it, which  
28 is contrary to the recommendation of the Seward  
29 Peninsula Regional Council. Proposal 46 was the -- is  
30 the result of a cooperative management effort for  
31 muskoxen on the Seward Peninsula incorporating federal  
32 land management agencies, Fish & Game, Native  
33 organizations and others working within the Seward  
34 Peninsula muskox cooperators group.

35  
36 A May 1998 special action modified the previous  
37 federal subsistence muskox harvest system to enable a  
38 one year trial of this new combined Federal/State  
39 harvest system. Staff committee supports the efforts  
40 of the Seward Peninsula Regional Advisory Council to  
41 extend this action to the permanent regulations.

42  
43 With regard to Proposal 47, the majority of the  
44 staff committee recommended supporting removal of the  
45 permit allocation between the Park Service and BLM  
46 lands. The permits were originally split between Park  
47 Service and BLM lands in 1996 for conservation  
48 reasons, when State lands were not open for harvesting  
49 muskox and harvest was entirely on Federal lands. In  
50 the four years muskox have been harvested on federal

1 public lands, no muskox have been taken. Park Service  
2 lands have limited -- are virtually unavailable due to  
3 the limited access, poor habitat and the distance  
4 required to travel to them. Over those four years, 13  
5 out of the 28 permits for taking muskox on federal  
6 public lands were filled and when the Federal/State  
7 combined harvest system was in effect this year, only  
8 three out of the 12 permits issued were filled.

9  
10 The staff committee members expressed hope that  
11 there will eventually be a single permitting regime  
12 for muskox on Federal and State lands noting that  
13 State permits can be used both on State and Federal  
14 lands. The majority of the staff committee felt that  
15 disagreement with the Seward Peninsula Regional  
16 Council recommendation on this proposal was justified  
17 because of the allocation of harvest opportunities  
18 between the two areas -- because the allocation of  
19 harvest opportunities between the two areas is an  
20 unnecessary restriction on subsistence users. They  
21 noted that the muskox population on BLM lands appears  
22 to be stable and felt it was unlikely that a combined  
23 permit allocation of Park Service and BLM lands would  
24 result in overharvest on BLM lands.

25  
26 The minority of the staff committee voted to  
27 support the Council's recommendations to defer, noted  
28 that the Seward Peninsula Regional Council was aware  
29 that Park Service lands are a long distance from Unit  
30 22(D) villages and that there was no harvest of muskox  
31 on Park Service lands this year, but recommended  
32 deferral anyway. It was suggested that the time to  
33 discard the zoning concept would be when subsistence  
34 users request more permits be allocated to the State's  
35 Tier II hunt which

e don't have any

48 recommendation. We could go either way on that,  
49 either support it or defer it. Thank you,  
50 Mr. Chairman.

1 CHAIRMAN DEMIENTIEFF: Regional Council  
2 comments?

3  
4 GRACE CROSS: I'd like to have Jake  
5 Olanna address us now.

6  
7 CHAIRMAN DEMIENTIEFF: Oh, I skipped  
8 right over public comments, I'm sorry. That was my  
9 fault. Apologize to you, Jake. Skipped right over  
10 public comments.

11  
12 JAKE OLANNA: Thank you, Mr. Chairman.  
13 My name is Jake Olanna. I'm from Kawerak and Nome, and  
14 for the record, I've got a letter here addressed to  
15 the Chairman, Mr. Demientieff, Chair Federal  
16 Subsistence Board.

17  
18 Dear Mr. Chairman -- Dear Chairman Demientieff,  
19 the Kawerak National Resources Committee composed of  
20 members of the Kawerak Board met on April 7, 1999.  
21 During the meeting, they heard a report on Federal  
22 Subsistence Proposals 46 and 47. The committee agreed  
23 that the census report for muskox supports those  
24 proposals. Following discussions they agreed to  
25 support adoption of both Proposal 46 and 47. Based on  
26 the discussions and the decision of the Kawerak  
27 National Resources Committee we encourage the Federal  
28 Subsistence Board to take action at the May 3-5  
29 meeting to adopt both proposals, take the staff  
30 committee's recommendation.

31  
32 Mr. Chairman, if I could expand on that a little  
33 bit, these decisions were made based on the proposals  
34 that were submitted to the Regional Advisory Council,  
35 but unfortunately, I wasn't there to -- to hear the  
36 Seward Peninsula Committee requesting a deferral of  
37 47. I know Kawerak supports 46. Now myself, being a  
38 co-chair of the Seward Peninsula -- Seward Peninsula  
39 Muskox Working Group, I would support that we defer  
40 this proposal, because right now as we speak, Kate  
41 Persons and Fred Tocktoo of the National Park Service  
42 are traveling to the villages issuing or making  
43 applications available to the subsistence users in  
44 Norton Sound.

45  
46 And now as the staff committee said, the census  
47 is due next year and I'm hoping that you might defer  
48 this proposal to see what the numbers look like in  
49 these areas, because in portions of 22(D), there's a  
50 very little portion of the Bering land bridge and

1 people that I spoke to in Brevig Mission and Teller  
2 said that was too long of a distance to hunt muskox  
3 and when they get up there a lot of times, the muskox  
4 aren't there. So I would ask this Board to consider  
5 deferring Proposal 47. This is myself saying that,  
6 not Kawerak.

7  
8 CHAIRMAN DEMIENTIEFF: Thank you.  
9 Regional Council comments?

10  
11 GRACE CROSS: I'm Grace Cross. This  
12 proposal originally came at the concern of Teller and  
13 Brevig Mission regarding the distance they had to  
14 travel to Park Service lands in order to get muskox  
15 and they utilized the ones closer, the BLM lands and  
16 throughout the years, if you notice in the charts they  
17 have not taken that many animals from that area.

18  
19 Last fall, when we -- when our Council met, we  
20 decided to defer the proposals mainly because the  
21 State Tier II system was just starting and people  
22 wanted to see whether or not that will affect the  
23 numbers in the BLM land muskox. And plus one of the  
24 Council members was concerned that perhaps the people  
25 of the communities, those two communities would be  
26 talked to first in order to find out whether or not  
27 they still wish to keep the -- they still wish to move  
28 the permits to open up the whole area for the two  
29 permits as the proposal suggested or whether some of  
30 the permits should be moved to the State Tier II  
31 system. So at the time the Council, when we made the  
32 decision to defer the proposal, we felt that we need  
33 more input at this time because the State had  
34 something new.

35  
36 I realize that Kawerak Subsistence Advisory  
37 Council is in support of this motion. And there are  
38 members of the -- and their membership consists of all  
39 of our villages around Seward Peninsula Region. I  
40 have not talked to any of the Council members, any the  
41 of the other Council members regarding how they feel  
42 mainly for a couple of reasons. One, I don't have a  
43 way of communicating with them because I don't have --  
44 I could write letters to them or go use Park Service  
45 land -- Park Service telephone. So that has not  
46 occurred. So I would rather see that we discuss this  
47 again in our fall meeting and that way I'll get a good  
48 idea as to where our Council is coming from at this  
49 point. Thank you.  
50



1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Additional Regional Council comment?

3  
4 WILLIE GOODWIN: Mr. Chairman?

5  
6 CHAIRMAN DEMIENTIEFF: Yes, Willie?

7  
8 WILLIE GOODWIN: The Northwest Region,  
9 who I represent, they support Proposal 46.

10  
11 CHAIRMAN DEMIENTIEFF: Thank you. Any  
12 additional Regional Council comment? Bill?

13  
14 BILL THOMAS: Thank you, Mr. Chairman.  
15 I'm not speaking against. I was trying to sort out  
16 the implication of Ms. Dewhurst's suggestion on  
17 approaching with caution, and rather than proceed and  
18 determine what the caution was afterwards, I wondering  
19 if there's any wisdom in conservation before  
20 proceeding. Just an observation, Mr. Chairman.

21  
22 CHAIRMAN DEMIENTIEFF: Thank you.  
23 Additional comment?

24  
25 HARRY WILDE: Mr. Chairman,  
26 Yukon-Kuskokwim supporting Seward Peninsula Regional  
27 Council recommendation.

28  
29 CHAIRMAN DEMIENTIEFF: Thank you. With  
30 our new revised format, we will begin deliberations on  
31 this and then we'll come back again for another final  
32 round of Regional Council comment before we vote.

33  
34 JUDY GOTTLIEB: Mr. Chair, I wonder if I  
35 might ask our local manager to come up and just give a  
36 little bit more background for us. Ken Adkisson,  
37 please?

38  
39 KEN ADKISSON: My name is Ken Adkisson.  
40 I'm the Subsistence Program Coordinator for Western  
41 Arctic National Park lands which consists of four park  
42 units in Northwest Alaska, headquarters in Kotzebue  
43 and we manage the Bering Land Bridge National Preserve  
44 which includes lands in southern Unit 23, 22(E) and  
45 22(D), which is under question relation to Proposal  
46 47. I'm also the Co-chair of the Seward Peninsula  
47 Muskoxen Cooperator's Working Group.

48  
49 One of the concerns that we've had is balancing  
50 the biological issues and concerns with the desires of

1 the -- of the villages that were affected and  
2 protecting their subsistence interests and priorities  
3 as we proceed through developing a joint hunt.  
4 There's some aspects of biology, perhaps, that haven't  
5 been brought out and maybe one or two other comments  
6 are appropriate along the lines of the questions that  
7 Mr. Thomas brought up about caution that I'd like to  
8 bring to the Board's attention.

9  
10 With respect to the animals in 22(D), in one of  
11 our public meetings, we did get a comment from one of  
12 the Teller hunters that it seems like it's harder to  
13 find bull muskoxen out there on BLM lands. While the  
14 population may be appearing to remain fairly stable, I  
15 think there's a concern about some of the population  
16 dynamics and age/sex structure in the mixed age sex  
17 groups and unfortunately we have very little to none  
18 composition work to help guide us in there.

19  
20 It was mentioned that we take mature bulls.  
21 Actually, that's not necessarily so. The regulation  
22 says one bull by federal permit. That could be any  
23 age bull from a calf on up to an aged animal. And up  
24 till recently, we haven't had much information on what  
25 age classes or structure were being represented by the  
26 harvest. As part of the cooperative joint hunt, we  
27 have instituted provision where we're asking the  
28 hunters to submit a portion of the lower jaw with the  
29 front teeth so that we can try to get some age  
30 information on the harvested animals.

31  
32 Mostly for the mixed age sex groups that you  
33 find, you're going to find a breeding bull and you're  
34 going to find a group of related females that are  
35 reproducing, and their offspring, and then up to a  
36 point after several years, most of the male animals  
37 are going to be moving out into bachelor bull groups  
38 or moving around the area. And so I think there's a  
39 real question of whether we're overharvesting from  
40 those younger animals in those mixed age sex groups.  
41 And if we are harvesting at a higher rate than what  
42 the females are producing, pretty soon there aren't  
43 going to be many younger bulls in those mixed age sex  
44 groups and they're not going to be readily replaced  
45 from the outside because those other animals are  
46 either in bachelor bull groups or they're in with  
47 their own family groupings. What effect that will  
48 have on the fact that the muskoxen tend to like to  
49 stay pretty much and remain in certain winter  
50 locations, we don't know, but I think there's a

1 suggestion that they may simply eventually abandon  
2 some of those wintering sites for a period of time.  
3 So that's I think why we -- you know, urge caution.

4  
5 The second thing that I think is -- to keep in  
6 mind for the Board is that this whole idea of a joint  
7 hunt really depends on the support of the affected  
8 villages and that really I don't think we should do  
9 anything without getting their input and support and  
10 we to date have not been able to do it, largely  
11 because the hunt, itself, this year, the bulk of the  
12 harvest came in the last two weeks of the season.  
13 That was right around the middle of March. The  
14 Regional Advisory Council had already met prior to  
15 that and we didn't have the harvest information, which  
16 was one reason that the Council, I think, chose to  
17 defer the proposal.

18  
19 With the new harvest information that's been  
20 provided to all of the villages and as Jake Olanna has  
21 mentioned to you, Kate Persons, the local ADF&G person  
22 there in Nome and Fred Tocktoo of our office in Nome  
23 are out in the villages right now this week providing  
24 information and assisting folks with completing their  
25 Tier II applications.

26  
27 By the time we get into next fall and the RAC  
28 wants to revisit this issue again, we'll have two  
29 years of data to look at, as far as how well the State  
30 system appears to be performing and I think a better  
31 basis for the villages to make their decision and  
32 we'll try to provide that to the Regional Council at  
33 their fall meeting, and hence, also to the Federal  
34 Board at its next spring meeting. We'll also have the  
35 benefit of the year 2000 census count. So I think  
36 from the -- our perspective, you know, we would  
37 support Proposal 46 and go with the Regional Council  
38 recommendation to defer Proposal 47.

39  
40 That's all I've got to say on that unless anyone  
41 has comments.

42  
43 CHAIRMAN DEMIENTIEFF: Any questions?  
44 Thank you. Do we have a motion for Proposal 46?

45  
46 JUDY GOTTLIEB: Mr. Chair, because  
47 Proposals 46 and 47 are interrelated and we discussed  
48 as we have together, making a two-part motion for  
49 both, I therefore move that Proposal 46 be adopted as  
50 written to make the special action permanent and that

1 Proposal 47 be deferred to allow additional input from  
2 affected users, both as recommended by staff and the  
3 Regional Advisory Councils.

4

5 CHAIRMAN DEMIENTIEFF: Is there a second  
6 to that motion?

7

8 DAVID ALLEN: Second.

9

10 CHAIRMAN DEMIENTIEFF: Been moved and  
11 seconded. Is there any discussion? We have call for  
12 question. Prior to that, we'll go for one more  
13 round. Is there any additional Regional Council  
14 comment with regard to 46 and 47?

15

16 BILL THOMAS: Mr. Chairman, parliamentary  
17 correction, those will require two motions. One is  
18 deferral and one is to support, requires two motions.

19

20 CHAIRMAN DEMIENTIEFF: Yeah, I would  
21 agree with you. I think maybe we'll just back up here  
22 and deal with these separately. I can't remember us  
23 dealing with two proposals under one motion before.  
24 Thanks for pointing that out. So with the -- would  
25 you please withdraw your motion?

26

27 JUDY GOTTLIEB: I'll withdraw my motion.

28

29 CHAIRMAN DEMIENTIEFF: Can we get a  
30 consent from the second?

31

32 DAVID ALLEN: Yes, I withdraw my second.

33

34 JUDY GOTTLIEB: And if I may make two  
35 motions here, one at a time.

36

37 CHAIRMAN DEMIENTIEFF: Let's just deal  
38 with 46 first.

39

40 JUDY GOTTLIEB: Okay. For Proposal 46, I  
41 move that it be adopted as written to make the special  
42 action permanent.

43

44 DAVID ALLEN: I second.

45

46 CHAIRMAN DEMIENTIEFF: There's a second.  
47 Discussion? Hearing none, all those in favor signify  
48 by saying aye.

49

50 (Response).

1                   CHAIRMAN DEMIENTIEFF: Those opposed,  
2 same sign?

3  
4                   (No response).

5  
6                   CHAIRMAN DEMIENTIEFF: Motion carries.  
7 Proposal 47?

8  
9                   JUDY GOTTLIEB: Mr. Chair, I move that  
10 Proposal 47 be deferred to allow additional input from  
11 affected users, both as recommended by the staff and  
12 Regional Advisory Councils.

13  
14                   CHAIRMAN DEMIENTIEFF: We have a motion  
15 to defer Proposal 47. Is there a second?

16  
17                   SALLY WISELY: Second.

18  
19                   CHAIRMAN DEMIENTIEFF: It's been  
20 seconded. Discussion? No further Regional Council  
21 comment?

22  
23                   All those in favor of the motion to defer, please  
24 signify by saying aye.

25  
26                   (Response)

27  
28                   CHAIRMAN DEMIENTIEFF: Those opposed,  
29 same sign.

30  
31                   (No response).

32  
33                   CHAIRMAN DEMIENTIEFF: Motion carries.

34  
35                   Okay, the next region that we move into is the  
36 Northwest Arctic. We have no consent agenda items for  
37 that region and dealing with Proposal 48, staff  
38 report?

39  
40                   DONNA DEWHURST: This is another case  
41 where we had a special action that created the harvest  
42 last August and we're extending the special action  
43 into permanent regulations. Actually, there were two  
44 special actions involved in this. One was last August  
45 and one was this spring which was the designated  
46 hunter provision. So it's kind of wrapping up two  
47 special actions into a permanent provision.

48  
49                   One of the minor changes was backing the date  
50 from August 10th to August 1st as the start date.

1 It's still one full curl ram. The language originally  
2 was 20 permits per mountain range, 20 permits under  
3 the Bairds, 20 under the Delongs. The language was  
4 changed to up to 20 permits with the quota to be  
5 announced by the Northwest Areas Park Superintendent.  
6 So those are the changes from the special action to  
7 this proposal to make it into a permanent regulation.

8  
9       Probably the biggest thing to be discussed, the  
10 high point would be we recently received the results  
11 of the harvest from special action. They are in the  
12 proposal, but kind of mixed in different areas. There  
13 isn't one definitive table that gives all the  
14 information, but in a nutshell, we had 16 rams taken  
15 from the Bairds and one ram taken from the Delongs.  
16 One of those animals was from a designated hunter,  
17 four harvested were using airplanes, one by boat and  
18 12 by snow machine. And likewise, there was four in  
19 the one. The four by airplane and one by boat were in  
20 the fall, which is kind of what you'd expect and 12 by  
21 snow machine were late in the season. They were in  
22 the tail end, late February, early March, or the month  
23 of March.

24  
25       Breakdown by village, out of those, 12 were from  
26 Kotzebue, four Noatak, one Noorvik. So most of those  
27 were from Kotzebue hunters. That's the information we  
28 have summarizing from the most recent harvest and that  
29 gives us an idea of how it went.

30  
31       Now the weather was part of this, from what I've  
32 been told from the local folks. The early part of the  
33 season when people were using aircraft, the weather  
34 was incredibly bad to be flying aircraft out. They  
35 were dealing with some icing problems and visibility  
36 problems, so that's why the harvest was low initially,  
37 and then they were slow to get their snow in the fall  
38 so they couldn't really use snow machines until a  
39 point where it got too dark and too cold and nobody  
40 wanted to use snow machines. They got snow come  
41 December and January, but not too many people were out  
42 hunting during those months. So then it kind of  
43 rolled around until February and March and then they  
44 started getting the harvest and hence the 12 taken by  
45 snow machine and those were taken late in the season.  
46 That's a pattern that didn't really surprise me, but  
47 it does explain why the harvest was on the low side,  
48 and also why there weren't as many taken in the  
49 Delongs because the weather never did really favor a  
50 lot of aircraft use which traditionally has been how

1 many of the animals in the Delongs have been taken  
2 because of the distances involved.

3

4 I'll keep it short and sweet. That's pretty much  
5 what we have in a nutshell, to give you the background  
6 for this proposal.

7

8 CHAIRMAN DEMIENTIEFF: Staff committee  
9 recommendation?

10

11 PEGGY FOX: Thank you. The hearings and  
12 staff committee recommendation is to adopt the  
13 proposal with modifications as recommended by the  
14 Northwest Arctic and North Slope Regional Councils.  
15 Proposal as modified by the Councils would convert the  
16 special action authorizing a '98/99 hunt to a  
17 permanent annual regulation with and earlier August  
18 season opening. The Council's modifications would  
19 also authorize a designated hunter permit system,  
20 limit the harvest of full curl rams and identify the  
21 permit issuing authority as the Superintendent of  
22 Western Arctic National Park Lands.

23

24 The staff committee also recommends eliminating  
25 the closure of federal public lands to non-federally  
26 qualified hunters in the Delong Mountains contrary to  
27 the recommendation of the Northwest Arctic Regional  
28 Council. The proposed regulation converts a temporary  
29 regulation to a permanent one and the staff committee  
30 felt that the hunt should be continued contingent on  
31 the health and size of the sheep population.

32

33 The most contentious issue faced by the staff  
34 committee during its discussion on this proposal was  
35 whether to retain the closure of federal lands in the  
36 Delong Mountains to non-federally qualified hunters.  
37 The majority opinion held that there was insufficient  
38 evidence warranting continued closure of the Delong  
39 Mountains area to non-federally qualified hunters.  
40 Specifically, the majority cited the very low 1998,  
41 '99 subsistence harvest of sheep from the Delongs and  
42 noted that the Baird Mountains unit is more accessible  
43 and had a much higher subsistence harvest of sheep.

44

45 On a related issue, the majority noted that allocating  
46 a portion of the Delong Mountains quota to  
47 non-federally qualified hunters would benefit  
48 residents of Kivalina who, if they received State  
49 permits, would be able to hunt on State lands near  
50 their community.

1       The minority opinion held that the initial  
2 rationale for retaining the closure, which anticipated  
3 a possible spill-over to the Delong Mountains from the  
4 Bairds was for a variety of reasons sound.  
5 Subsistence harvest did not reach the level needed for  
6 subsistence uses, warranting continued restriction of  
7 other uses to assure priority for subsistence.  
8 Moreover, the drawing permit system does not  
9 adequately provide assurance that subsistence users  
10 would receive state permits.

11  
12       The minority also noted that no sheep were  
13 harvested under State regulations, bringing into  
14 question the demand for harvest opportunities under  
15 State regulations. The minority also felt that only  
16 one year of experience with this hunt is insufficient  
17 time to conclude the drastic changes should be made.  
18 Over 90 subsistence users obtained permits to hunt and  
19 the quota for the Baird Mountains was largely taken.  
20 If the number of sheep available in the Bairds to be  
21 determined by the census next July is low, it is  
22 reasonable to think that subsistence users may travel  
23 the greater distance to the Delong Mountains to pursue  
24 sheep.

25  
26       A more intensive study of the local population  
27 will be initiated by the Park Service in the near  
28 future providing additional data on sheep movements,  
29 sex age structure, and lamb survival. Also a  
30 cooperative sheep management planning effort is being  
31 scheduled with the Park Service taking the lead role.  
32 Both these efforts together should provide for  
33 long-term cooperative management based on a more  
34 complete picture of sheep population trends, their  
35 causes and subsistence uses.

36  
37               CHAIRMAN DEMIENTIEFF: Thank you.  
38 Department comments?

39  
40               ELIZABETH ANDREWS: Thank you,  
41 Mr. Chairman. The Department of Fish & Game staff and  
42 our Northwest office has been working with local Park  
43 Service staff, including Ken Adkisson who is also here  
44 and can speak to some of those discussions also, but  
45 also with the local Fish & Game Advisory chair of the  
46 Noatak Kivalina Committee and the chair and vice-chair  
47 of the Kotzebue Sound Advisory Committee has also had  
48 discussions with the Regional Council chair, Willie  
49 Goodwin, who is here today.

50



1       We were unable, for our advisory committees, to  
2 have time and sufficient public notice to actually  
3 have a meeting to discuss a proposal that we think  
4 would be agreeable to the federal program, as well as  
5 the state program, but our local advisory committee  
6 chairs, as I mentioned, were apprised of this. They,  
7 themselves, endorsed it, although as I said, they  
8 couldn't take a formal committee action on that.

9  
10       I've provided a copy of a letter from our  
11 Director of Wildlife Conservation Division, Wayne  
12 Regelin, to our Commissioner, Frank Rue, describing  
13 how we would undertake our part of the joint  
14 State/Federal hunt in this area.

15  
16       More specifically, let me mention what we  
17 propose, assuming a harvestable surplus of 20 full  
18 curl rams for the Delong Mountains, and that's the  
19 only area that these comments pertain to. We didn't  
20 have a problem with the other part of this federal  
21 proposal for the Bairds.

22  
23       What we would be looking at is that the National  
24 Park Service would issue the federal registration  
25 permits to harvest 12 full curl rams in the Delongs.  
26 This quota would provide adequate opportunity to the  
27 federally qualified subsistence hunters and users and  
28 the harvest could be provided between the fall and the  
29 spring hunts. The federal permits as you had them  
30 last year would allow the use of aircraft and would be  
31 valid on federal lands. I was just advised that I  
32 might have said 12 full curl rams, but it's 10.

33  
34       The Department of Fish & Game, what we would do  
35 is we would issue State registration permits. These  
36 are not drawing permits; they're registration  
37 permits. Anybody can sign up for them. We would be  
38 issuing these permits in Kotzebue, Noatak and Kivalina  
39 with a harvest quota that would be five full curl  
40 rams. Additionally, we would make available five  
41 drawing permits to take full curl rams and those would  
42 be issued by lottery. The registration permits,  
43 consistent with our Board of Game action, would not  
44 allow the use of aircraft and the use of aircraft  
45 would only be allowed with the drawing permits during  
46 the shorter fall hunting season. Both the State  
47 registration permits and drawing permits would be  
48 valid on State and federal lands.

49  
50       The final point is that the population status and

1 harvest in both the Baird and Delong Mountains would  
2 be reviewed annually to ensure the populations are  
3 conserved and that subsistence uses, State and  
4 Federal, are provided for. If the sheep surveys this  
5 year, 1999, indicate harvestable surplus in the  
6 Delongs is less than 20 full curl rams, the State will  
7 close the drawing permit hunt. If the harvestable  
8 surplus is less than 15 rams, we would recommend that  
9 both State and Federal hunts in the Delongs be  
10 closed.

11  
12 So Mr. Chairman, and Council and Board members,  
13 that's what our comments are, and as I said, it's  
14 based on discussions that we've had with local area  
15 groups, as well as the National Park Service and we  
16 think it accomplishes what we're both looking at.  
17 Thank you, Mr. Chairman.

18  
19 CHAIRMAN DEMIENTIEFF: Thank you. We  
20 have no requests for public testimony at this time on  
21 this issue. Regional Council comments?

22  
23 WILLIE GOODWIN: Mr. Chairman, first of  
24 all, our Regional Advisory Council appreciated the  
25 special action taken by the board for last year's  
26 harvest. We're very thankful for that. Since the  
27 Regional Advisory Council vote in March to keep the  
28 areas, Delong Mountains and the Bairds, closed other  
29 than to qualified subsistence users in Unit 23, things  
30 have changed. We've had to react to agency staff  
31 recommendation in such a short time up here and we  
32 couldn't hold a meeting, so I had discussions with our  
33 Advisory Council members individually and we're  
34 willing to agree to a State/Federal hunt as outlined  
35 by the State. However, there's a number of reasons  
36 I'd like to point out that we reluctantly agree to  
37 this.

38  
39 Some of the factors are we're not happy with the  
40 count that took place last year in the Delongs. It  
41 was a comparison count. They compared data they  
42 derived from the bears in areas as much as 150 miles  
43 away to determine this amount of sheep are there. In  
44 fact, they only counted 141 sheep in the Delongs. So  
45 we're not happy with that.

46  
47 The harvest data that was used to initiate their  
48 hunt last year shows for a period of 12 years the  
49 winter harvest by subsistence users was zero to nine.  
50 Again, that's based primarily on conditions that were

1 outlined. There was no snow; weather was pretty bad.  
2 Those factors have a lot to do with the harvests that  
3 have taken place. In fact, six of those 12 years,  
4 there was zero harvested.

5  
6 I'd like to point out also the staff committee  
7 report did not even question or ask the State what  
8 were their harvest reports this past year from both  
9 the drawing permits and whether or not registration  
10 permits were issued. Kind of odd to me that we would  
11 allow those permits to be issued and not even question  
12 how many were harvested. And yet, the recommendation  
13 is to open it, even though I know for a fact that  
14 drawing permit hunters were out there and got zero,  
15 just the same as subsistence, zero.

16  
17 And to take just one year to determine that we  
18 should open it back up, I think, is wrong. It's wrong  
19 because the issues I pointed out or the numbers I  
20 pointed out of the harvest numbers from zero to nine  
21 are there that the State conducted and they had those  
22 numbers. It's unfortunate that, in my mind, this  
23 recommendation is based on political pressure again,  
24 not on numbers that are reflected in harvest reports  
25 or even census reports of the sheep. We know for a  
26 fact that based on the census reports that the gradual  
27 climb upwards to a respectable number to allow hunts  
28 is going to be slow because the harvest -- the census  
29 reports show that there's a missing age group of four  
30 to eight year olds that will slow down the gradual  
31 climb to a healthy population. Between now and three  
32 or four more years, if we have a bad winter, that  
33 thing could take a nose dive again.

34  
35 But if we're allowed to harvest the rams only, I  
36 still think we have a priority. I know that the  
37 numbers are still low. I know that the census reports  
38 show that there's not enough sheep out there to even  
39 be harvested, rationally, but the rationale behind the  
40 harvest or the proposed regulation right now is based  
41 on rams that are going to die anyway, so we might as  
42 well get them. We know that predation is happening  
43 out there. To what extent, we don't know until we get  
44 the study done by the Park Service.

45  
46 The Baird Mountains hunt were brought out as true  
47 from 17 permits that were issued. Seven out of the 17  
48 were taken before September 9th and the rest were  
49 taken after February 25th. However, there again, the  
50 weather had a big factor. The guy got one in

1 February, but you'll notice in the harvest reports  
2 or -- yeah, that it was a couple weeks later until  
3 somebody else got one because of weather. So there  
4 was a window, I think, of about two weeks which our  
5 people went out and hunted sheep in the Bairds and we  
6 had reasonable weather to be out there. That has a  
7 factor in what could have been taken in the Delongs  
8 because I know that some of those hunters would have  
9 gone to the Delongs if the quota of 20 was taken in  
10 the Bairds. They would have had no choice but to go  
11 to Delongs if they wanted to get a sheep.

12  
13 So, Mr. Chairman, I would recommend that the  
14 census that's going to be taken this year in July be  
15 reversed, as far as how they were counted in the  
16 Delongs and the Bairds. They did a pretty good count  
17 in the Bairds last year and use a comparison count for  
18 the Delongs, which is a much, much larger area. And I  
19 can understand why it would be difficult to count  
20 pretty accurately in the Delongs because of the area,  
21 but if the methods that was used to count were  
22 reversed this year, I think we will have a pretty good  
23 idea of how many sheep are in the Delongs. Do a good  
24 count in the Delongs and use the comparison in the  
25 Bairds.

26  
27 We know for a fact that as the study has been  
28 mentioned is conducted, the study will be conducted in  
29 the Bairds, so we'll have a pretty good count there in  
30 the Bairds, next year or the year after. But we won't  
31 have a good count in the Delongs. So I would  
32 recommend this year, if at all possible, that the  
33 method that was used to count last year be reversed so  
34 that we have a pretty good idea, and at least I'll  
35 feel comfortable the sheep are there. When you count  
36 to 141 and you say that it's a comparison, but in  
37 fact, Mr. Chairman, the Superintendent of the  
38 Northwest Parks didn't even know about the comparison  
39 count until about two weeks ago. I didn't know about  
40 it. I just assumed that they counted normally, the  
41 way they usually count animals. I made a mistake by  
42 not questioning the method they were using. When I  
43 found out it was a comparison count, I wasn't too  
44 happy, because they guessed. That's what it was; it  
45 was a guess.

46  
47 I think the State is willing, at least the local  
48 biologist in the area is willing to participate and in  
49 fact, he would like to have a good count in the  
50 Delongs also this year. So I would emphasize that we

1 do that, if at all possible. I can understand that  
2 the Park Service want to do the study, start the study  
3 in the Bairds this year, but boy, if we're going to  
4 allow some hunting to happen in the Delongs, I sure  
5 want to see a better count.  
6

7 So Mr. Chairman, I go along with what the State  
8 has come up with. I didn't have extensive discussions  
9 with Park Superintendent, with Ken Adkisson, the local  
10 State biologist in Kotzebue. I called the  
11 Commissioner there, but instead of losing everything,  
12 I think this is the best we can get and I support the  
13 shared harvest. Thank you.  
14

15 CHAIRMAN DEMIENTIEFF: Thank you. Before  
16 we go on to additional Regional Council comment, I was  
17 notified that we did have three letters that were  
18 faxed in with regard to this and I'll call at this  
19 time on Barbara Armstrong to read those letters into  
20 the record, please.  
21

22 BARBARA ARMSTRONG: Thank you,  
23 Mr. Chair. I have three letters. The first one is  
24 from Jake Jacobson, Kodiak. Dear madams and sirs, I  
25 regret that I cannot present my statement directly to  
26 you. However, I am confident that my thoughts will  
27 reach you adequately by reading into the minutes of  
28 your meeting. Please do read this letter into the  
29 minutes of your meeting.  
30

31 On July 31st, 1998, I explained my situation to  
32 you, which I will summarize. I have been actively  
33 hunting and guiding out of our 80 acre fee simple base  
34 camp and lodge for 33 years. This has been a family  
35 operation involving my grandmother, my father, my  
36 sister, my wife, children and grandchildren. We are  
37 all Alaskan American citizens. Some, though not I,  
38 are Native Alaskans. We look to this low volume  
39 guiding operation to contribute spiritual, emotional  
40 and hopefully financial sustenance to our lives.  
41

42 Last year, after three years of no legal sheep  
43 hunting in the area, it was determined that 20 full  
44 curl or larger rams could be harvested from the Delong  
45 Mountains and 20 from the Bairds. All 20 sheep in the  
46 Bairds were reserved exclusively for local subsistence  
47 hunters, which in the Delongs, nine rams were allotted  
48 to subsistence and 11 to non-subsistence hunters.  
49

50 The State of Alaska advertised a drawing,

1 solicited applications and fees, required the advanced  
2 purchase of hunting licenses, held the drawing and  
3 awarded the permits. Three of our booked guests were  
4 successful in permit drawing process and were issued  
5 permits to pursue a dall ram in GMU 23 based at our  
6 lodge. Then just ten days before the scheduled  
7 opening of the sheep season, you voted unanimously to  
8 reallocate the 11 permitted rams to the subsistence  
9 hunters exclusively, thereby denying these lottery  
10 winners their civil rights to use their permits as  
11 intended. The State of Alaska has put on the -- was  
12 put in the position of defaulting on its defacto  
13 contract with the permittees and their guides. We  
14 immediately refunded all deposits, except the cost of  
15 applications and non-resident hunting licenses to our  
16 booked guests and our guests were forced to change  
17 their plans, some at the cost of nonrefundable airline  
18 tickets, et cetera.

19  
20 ADF&G Subsistence Division statistics quoted  
21 prior to July 31, 1998 decision showed the minimal  
22 subsistence hunting of sheep in the Delong Mountains.

23  
24 By the end of the season of April 1, 1999, only  
25 one ram had been reported taken in the Delong  
26 Mountains by a subsistence hunter. That sheep was  
27 killed close to the southern border of the area on  
28 August 24, 1998 during the first half of the scheduled  
29 advertised non-subsistence hunting season. Now in  
30 retrospect, it is clear that as I and others stated on  
31 July 31, 1998 and before, there is no conscionable,  
32 defensible, objective reason for denying the 11  
33 permittees their right to hunt.

34  
35 I do hereby request that you approve a  
36 non-subsistence hunt for dall rams in the Delong  
37 Mountains of GMU 23 and that depending on the  
38 harvestable number as per sustained yield management  
39 forecasts, 55% or more of these rams be allocated to  
40 the drawing permit process, and that you allow the  
41 permittees to pursue their hunts. As the deadline for  
42 permit applications is May 21 -- May 31, 1999, I urge  
43 you to grant your approval immediately. Sincerely,  
44 James P. Jacobson.

45  
46 The other one is written April 12, 1999. Dear  
47 sirs and madams, in 1998, I applied for a permit to  
48 hunt a dall ram in Alaska's GMU 23. I was fortunate  
49 enough to draw one of the permits that non-residents  
50 pray for. You -- your decision on July 31, 1998 to

1 redesignate all dall sheep harvest in GMU 23 for  
2 subsistence users only disenfranchised me and the  
3 other ten non-subsistence permit holders. I live in  
4 Virginia and have been a citizen of the United States  
5 all my life. I felt and still believe that your  
6 action was inappropriate violation of my civil rights  
7 as a United States citizen. I made every effort  
8 possible to secure legal permission to pursue my hunt  
9 as it had been advertised in the Alaska 1998, 1999  
10 drawing permit hunt supplement and use the permit that  
11 I had drawn and paid for. I was denied the use of my  
12 ram permit.

13  
14 As I understand it, subsistence qualified  
15 individuals harvested only one ram in the Delong  
16 Mountains for which ten others and I had been  
17 permitted. Originally, nine rams in that range were  
18 to be exclusively designated for subsistence hunters  
19 and the remaining 11 rams of the approved harvest  
20 total of 20 rams were deemed harvestable by  
21 non-subsistence hunters like myself. As per State of  
22 Alaska Division of Subsistence records, subsistence  
23 hunters in the Delong Mountains have seldom harvested  
24 rams. This season just past certainly bears out that  
25 aspect of the Alaska Division of Subsistence  
26 statistics.

27  
28 I do hereby urge and request you to allow the  
29 non-subsistence hunt for dall rams to take place in  
30 1999 and future years, if current census information  
31 indicates that hunt can take place in conformance with  
32 accepted sustained yield management principles. Not  
33 harvesting these excess rams in the Delong Mountains  
34 is poor wildlife management by not utilizing a  
35 renewable resource, while at the same time depriving  
36 outfitters of the livelihood of guiding for these dall  
37 rams as they have done in past years.

38  
39 Since I cannot attend your meeting in person  
40 please do read this letter into the minutes of the  
41 meeting and kindly mail my a copy of those minutes.  
42 Respectfully, Gary A. Younkin.

43  
44 This one is from Shannon A. Farrah from Tucson,  
45 Arizona. Dear madam and sirs, my name is Shannon A.  
46 Farrah. My residence state is Arizona, and I am a  
47 citizen of the United States. In 1998, I applied for  
48 the drawing and received a permit to hunt a dall ram  
49 in Alaska's GMU 23.  
50

1       Your decision of July 31, 1998 to redesignate all  
2 dall sheep harvest in GMU 23 for subsistence users  
3 only disenfranchised myself and the other ten  
4 non-subsistence permit holders. I felt at the time  
5 that your action was an offensive, unreasonable,  
6 unnecessary, inappropriate, arbitrary, clear  
7 indefensible -- take your pick of all, one or none --  
8 violation of my civil rights as an American citizen.  
9 I made every reasonable effort available to me to  
10 secure legal permission to pursue my hunt as it had  
11 been advertised in the Alaska 1998/99 drawing permit  
12 hunt supplement. I was denied and cheated.

13  
14       As I understand it, subsistence qualified  
15 individuals harvested only one ram in the Delong  
16 Mountains for which I and ten others had been  
17 permitted. Originally, nine rams in that range were  
18 to be exclusively designated for subsistence hunters  
19 and the remaining 11 rams and the approved harvest  
20 total of 20 rams were deemed harvestable by  
21 non-subsistence hunters like myself. As per the State  
22 of Alaska Division of Subsistence records, rams have  
23 been seldom harvested by subsistence hunters in the  
24 Delong Mountains. This season just passed certainly  
25 bears out the aspect of the Alaska Division of  
26 Subsistence statistics.

27  
28       I do here urge and request you to allow a  
29 non-subsistence hunt for dall ram to take place in  
30 1999 and future years if current census information  
31 indicates that hunt can take place in conformance with  
32 the subsistence game yield management principles.

33  
34       As I am not able to attend your meeting in  
35 person, please do read this letter into the minutes of  
36 your meeting and post me a copy of those minutes.  
37 Thank you. Sincerely, Shannon A. Farrah.

38  
39       CHAIRMAN DEMIENTIEFF: Thank you, Barb.  
40 We had one request for public testimony on this  
41 proposal. Warren Olson.

42  
43       WARREN OLSON: Mr. Chairman, members of  
44 the committee, my name is Warren Olson, been a  
45 resident since 1958, have harvested fish and game lots  
46 of areas throughout Alaska and I'd like to read the  
47 statement to the Chairman for the record.

48  
49       Dear Mr. Demientieff, quoting from Hoonah Indian  
50 Association, Sitka Tribe of Alaska versus Tongass



1 National Forest, ANILCA says necessary, consistent  
2 with sound management principles for the utilization  
3 of public lands. The utilization to which sound  
4 management principles refers is multiple, including  
5 outdoor recreation, range, timber, watershed, wildlife  
6 and fish in the wilderness. This decision is from  
7 March 24th, 1999, Ninth Circuit Court.

8  
9 Continuing, Page 2594, the Supreme Court has  
10 instructed us emphatically in an earlier reversal that  
11 Congress clearly did not subordinate all other uses to  
12 subsistence uses. Congress clearly did not state in  
13 ANILCA that subsistence uses are always more important  
14 in development -- uses are always more important than  
15 development of energy resources or other uses of  
16 federal lands. Rather, it expressly declared that  
17 preservation of subsistence resources is a public  
18 interest and established a framework for  
19 reconciliation where possible of competing public  
20 interests.

21  
22 Amoco Production Company versus Village of  
23 Gambell, 1987, clearly utilization and reconciliation  
24 among uses was abused in GMU 23. Harvest records show  
25 uses could be accommodated in GMU 23. Conservative  
26 management was abandoned between the State and Federal  
27 government -- or cooperative management was abandoned  
28 between the State and Federal government. This  
29 example of management shows distinctly why  
30 discrimination among users is illegal. Alaska Supreme  
31 Court, McDowell versus State, 1989, Payton versus  
32 State, 1997. Cultural and traditional is applicable  
33 to use only, not users. Thank you very much.

34  
35 CHAIRMAN DEMIENTIEFF: Thank you.

36  
37 WARREN OLSON: Mr. Chairman, where can I  
38 leave this letter?

39  
40 CHAIRMAN DEMIENTIEFF: Right back here.

41  
42 Okay, is there additional Regional Council  
43 comment? Mr. Thomas.

44  
45 BILL THOMAS: Thank you, Mr. Chairman. I  
46 always expect those comments that are brought before  
47 us; however, it makes it a lot easier for dialogue  
48 when those comments are brought forth having knowledge  
49 of background of the legislation that drives this  
50 body. Title VIII, Section 8.01, first word says, the

1 Congress finds and declares that the continuation of  
2 the opportunity for subsistence uses by rural  
3 residents of Alaska, including both Natives and  
4 non-Natives, on public lands and by Alaska Natives on  
5 Native lands is essential to the Native physical,  
6 economic, traditional and cultural existence and  
7 non-Native physical, economic and traditional and  
8 social existence. And it goes on to say other things,  
9 but there's nothing arbitrary about this and it is  
10 substantiated by an act of congress.

11  
12 The observations I had in this whole dialogue is  
13 that the subsistence users are postured to  
14 compromise. That's a posture they've been trying to  
15 abandon for the last 20 years, and have done a good  
16 job at it. Right now, they find themselves  
17 compromising to allow more than a subsistence hunt. I  
18 haven't heard anything about biological support for  
19 the strength of that herd, and it sounds to me like  
20 the subsistence community that wishes to participate  
21 in that hunt is not able to do so because of  
22 non-subsistence hunting activity in that region. So  
23 this suggests to me a disparity, not only a disparity,  
24 but a lack of sustainable resources. Sounds like we  
25 failed in managing in the sustainable fashion.

26  
27 So the question I have is that eligible hunters  
28 in that area that wish to participate, are they able  
29 to do so or are they restricted by limited amounts of  
30 permits available?

31  
32 CHAIRMAN DEMIENTIEFF: Willie, you got an  
33 answer for him?

34  
35 WILLIE GOODWIN: Well, the hunt was  
36 driven by the biologist determining that the 20 excess  
37 rams, full curl rams were there and going to die  
38 anyway, even though the count, the census count that  
39 was done was below the level that the local advisory  
40 groups wanted to allow a hunt. In fact, we voted not  
41 to have a hunt that year, but the State was the one  
42 that drew the permits and issued them. So we were  
43 backed into a corner to react to something that we  
44 didn't want in the first place. They issued 11  
45 permits. By the time we reacted to it, it was  
46 still -- the window of time was there for us to ask  
47 for a special action, which the Federal Board here  
48 granted, because clearly in my mind and the Regional  
49 Advisory Council mind was as long as there's a  
50 shortage of animals, it should go to the subsistence

1 user and this was a classic case where that was the  
2 case. There was a shortage of sheep. There was a  
3 crash that happened years -- few years before that and  
4 the sheep were starting to climb, but the census  
5 reflected that there's a missing age group that tells  
6 the biologist that it won't have a gradual climb to a  
7 respectable level where we should allow a hunt, both  
8 for other uses other than subsistence.

9  
10 So this year, we're going to see what -- if we're  
11 wrong. I don't think we are. I think the level is  
12 going to be right around where it was last year. So  
13 the biological reason you asked for was that, yes, the  
14 local folks did vote or agree we shouldn't have a hunt  
15 because it was still below what we thought was a  
16 harvestable level.

17  
18 CHAIRMAN DEMIENTIEFF: Any additional  
19 Regional Council comment?

20  
21 FENTON REXFORD: The February 24th  
22 meeting in Barrow, we discussed this proposal. At the  
23 time we were present, I don't have the ADF&G's change  
24 of their action in the paper, I mean in the booklet,  
25 so I'm going to base our -- the North Slope's approval  
26 with modification. I thought about going with our  
27 original recommendation, but due to the talks back and  
28 forth going between Willie and his group and the  
29 Department, without any backup for me, I will support  
30 their efforts, but -- I don't know how I can say it  
31 any clearer, but I don't have a copy of the things  
32 that's been going on. The book I got says ADF&G does  
33 not support motion pertaining to Delong Mountains. So  
34 with that, we'll just go with our original  
35 modification with some word changes and reflect  
36 administrative changes and correctional or title  
37 changes.

38  
39 CHAIRMAN DEMIENTIEFF: Thank you.  
40 Willie?

41  
42 WILLIE GOODWIN: Mr. Chairman, our  
43 Regional Advisory Council did vote to keep it closed  
44 to other uses -- other users, but since like I  
45 explained, since the interagency staff committee  
46 recommendation came out, we're again forced back into  
47 a corner to react to something that we didn't think  
48 would happen.

49  
50 So after discussing this issue with members of my

1 Regional Advisory Council individually, we concluded  
2 that the discussions I had with the Park Service, the  
3 Alaska Department of Fish & Game, that the best course  
4 of action for us at this point was to go with a shared  
5 hunt. By that I mean ten Federal permits be issued  
6 and the ten by the State by how they wish to issue  
7 theirs.

8  
9 However, Mr. Chairman, I want to point out that  
10 if the State reneges on this, we'll be right back here  
11 at the table asking for special action for all 20. I  
12 want to make that clear.

13  
14 CHAIRMAN DEMIENTIEFF: Thank you. Bill?

15  
16 BILL THOMAS: One more comment,  
17 Mr. Chairman. As I listened to the written comments,  
18 I've heard these before and I've heard enough of them,  
19 it sounds like all three comments were written by the  
20 same person.

21  
22 CHAIRMAN DEMIENTIEFF: Additional  
23 Regional Council comment at this point? Are we ready  
24 for a board action?

25  
26 JUDY GOTTLIEB: Mr. Chair, we could do  
27 either of two things, ask Mr. Adkisson to come up  
28 again or I am ready with a motion, whatever you  
29 prefer.

30  
31 CHAIRMAN DEMIENTIEFF: Let's go.

32  
33 JUDY GOTTLIEB: With the motion?

34  
35 CHAIRMAN DEMIENTIEFF: Yeah

36  
37 JUDY GOTTLIEB: Okay. I move that  
38 Proposal 48 be adopted as modified by the staff on  
39 Page 22 in our books, except that the closure to  
40 hunting under State law is removed for the Delong  
41 Mountain area to provide for a joint Federal/State  
42 hunt in area -- in Units 23 and 26(A). The intent for  
43 the joint hunt in the Delong Unit is to provide for a  
44 harvest of up to 20 full curl or larger rams divided  
45 evenly between the State and Federal hunts. The ten  
46 ram harvest limit for the Federal hunt is for up to  
47 five sheep in the August 1 to September 30th season,  
48 with the quota to be announced by the National Park  
49 Service Superintendent and the season to close when  
50 the quota is reached. The remainder of the Federal

1 quota of up to ten sheep may be harvested October 1st  
2 to April 1st. The season will close when the quota of  
3 ten has been reached.

4  
5 CHAIRMAN DEMIENTIEFF: There's a motion.  
6 Is there a second?

7  
8 SALLY WISELY: Second.

9  
10 CHAIRMAN DEMIENTIEFF: Been moved and  
11 seconded. Discussion?

12  
13 DAVID ALLEN: Just one question of  
14 clarification, and that is it's not completely clear  
15 to me, but does this motion in fact accommodate and  
16 allow for the agreement that's been worked out here?

17  
18 JUDY GOTTLIEB: Yes, it does.

19  
20 CHAIRMAN DEMIENTIEFF: That's clear,  
21 Dave, that it does accommodate that. And I  
22 congratulate the parties for, you know, being able to  
23 work this out again. Sometimes it's real difficult  
24 for us to do, but in the kind of management regime we  
25 have, particularly involving, you know, people at the  
26 local level, to make sure that they're buying into  
27 this process as well. It goes far beyond just the  
28 State and Federal managers, you know, with the local  
29 people involved and agreeing to it. I really  
30 appreciate that. Willie?

31  
32 WILLIE GOODWIN: Yes, Mr. Chairman, we go  
33 along with the motion, but the issues I pointed out  
34 should tell the staff committee, interagency staff  
35 committee members that they should look at everything  
36 before they say we ought to open it because they only  
37 got one to everybody else. There's a number of  
38 factors that I pointed out in my testimony that has  
39 some relevance in this decision or for this proposed  
40 action and clearly, clearly there is a shortage of  
41 animals and that the priority should go to the  
42 subsistence user. And I would ask that, you know, I  
43 think there's going to be more that come about. I  
44 understand there's some caribou issues in the Bristol  
45 Bay region and some other issues throughout the state  
46 that have the same ramifications for -- well, they  
47 look alike, let me put it that way. Different kind of  
48 animals, but the numbers aren't there. Thank you.

49  
50 CHAIRMAN DEMIENTIEFF: Final Regional

1 Council comment?

2

3 We're ready to vote. All those in favor of the  
4 proposal as modified by the motion, please signify by  
5 saying aye.

6

7 (Response).

8

9 CHAIRMAN DEMIENTIEFF: Those opposed?

10

11 (No response).

12

13 CHAIRMAN DEMIENTIEFF: Motion carries.  
14 My understanding, Proposal 49 has been withdrawn and I  
15 think at this time we'll go ahead and take a ten  
16 minute break before we enter into the next region,  
17 North Slope.

18

19 (Off record 2:55 p.m. to 3:04 p.m.)

20

21 CHAIRMAN DEMIENTIEFF: We'll go ahead and  
22 call the meeting back to order. We move on to the  
23 North Slope Region. We have one proposal, Number 63.  
24 You got a staff report?

25

26 DONNA DEWHURST: Okay, this proposal was  
27 originally Proposal 108 last year that was deferred by  
28 the Federal Board and then when it went to the  
29 Regional Council last fall, they brought it back up  
30 again and made it a new proposal. It was modified a  
31 little bit in that the Regional Council recommendation  
32 from last year was then turned into the proposal for  
33 this year. So last year's proposal originally just  
34 said incidental take of muskox. This year it gives  
35 specifics in that they wanted two muskox by federal  
36 registration permit July 1 through June 30th.

37

38 The decision to defer along pretty much the whole  
39 party lines was that as discussions progressed,  
40 several things happened real fast last year in that  
41 the State passed a -- let me get the exact wording on  
42 it -- taking of incidental sharing of muskox  
43 regulation which allowed for taking of muskox with  
44 prior permission for the entire 26(A). It was assumed  
45 that that would meet the needs of the subsistence user  
46 kind of in a defacto way in that they could get  
47 permits to take muskoxen through the State system.  
48 Well, the one catch was that Park Service land in  
49 Gates of the Arctic, down around Anaktuvuk Pass was  
50 not included under the State program and that

1 Anaktuvuk Pass folks wanted to take muskox or wanted  
2 the means to do it. That was the whole gist of why  
3 this whole thing resurfaced and that's been the  
4 stumbling point. Park Service has been reluctant to  
5 open that area up to a subsistence hunt and there's  
6 still requests to do it. With the discussions, there  
7 was the movement to defer just in that things needed  
8 to be worked out more and the plan was coming along  
9 still and that's kind of where everything got left and  
10 everybody was along the party lines.

11  
12 CHAIRMAN DEMIENTIEFF: Staff committee  
13 recommendations?  
14

15 PEGGY FOX: Thank you. The staff  
16 committee recommendation is defer the proposal to  
17 establish a federal subsistence muskox harvest in Unit  
18 26(A) consistent with the recommendation of the North  
19 Slope Regional Council. Deferring the proposal would  
20 allow additional time to determine if the State  
21 regulation does meet the needs of local users,  
22 especially those of Anaktuvuk Pass.

23  
24 CHAIRMAN DEMIENTIEFF: Thank you.  
25 Elizabeth, does the State have additional comment?  
26

27 ELIZABETH ANDREWS: Yes, Mr. Chairman, we  
28 do agree to defer action on this proposal. I just  
29 want to point out a couple of things. One is, as you  
30 are well aware, there is another muskox interagency  
31 working group and Mr. Rexford is certainly a part of  
32 that and we'd like to see any changes made go to that  
33 group before they either come to the State Board of  
34 Game or go to the Federal Subsistence Board, and as  
35 Mr. Rexford's aware, we are having a Board of Game  
36 meeting in October and so any proposed changes that  
37 they would like to have considered, proposals can be  
38 submitted by August of this year and then they would  
39 be taken up in October at the Game Board meeting,  
40 which would be held in Barrow. Thank you, Mr. Chair.

41  
42 CHAIRMAN DEMIENTIEFF: No requests for  
43 public comments at this time. Regional Council?  
44 Fenton?  
45

46 FENTON REXFORD: Thank you,  
47 Mr. Chairman. Thank you for allowing us to deliberate  
48 on Proposal 63. More or less, I'll do the staff  
49 analysis if you can follow with me. You've got a copy  
50 of the December 9, 1998 North Slope Muskox Harvest

1 Plan and in it is the work over the last three years  
2 or more, under your direction, Mr. Chairman, to work  
3 with all parties and this is a signed document, and  
4 for the record, I notice under the staff analysis that  
5 the 1997 harvest plan was cited to make the current,  
6 or to update the records under literature cited on the  
7 last page, Page 9 of the staff analysis. Also, refers  
8 to a draft 1997 harvest plan.

9  
10 The main reason I would like you Federal  
11 Subsistence Board members to recognize this plan that  
12 has been referred to by the working group on the North  
13 Slope, particularly the Bureau of Land Management,  
14 Park Service, the Alaska Department of Fish & Game,  
15 and North Slope Borough Fish & Game Management  
16 Committee, which has representatives, nine  
17 representatives from the North Slope and also the  
18 North Slope Subsistence Regional Advisory Council,  
19 also has nine members, which have worked on this  
20 particular harvest plan. I think it is well deserving  
21 to have the Federal Board recognize that this plan is  
22 final and that it is an interim. We're working on  
23 it. By 2003, a more comprehensive management plan,  
24 but at this time, for the record, if you have any  
25 questions, I'd like to present this to you for your  
26 approval at this time.

27  
28 CHAIRMAN DEMIENTIEFF: Thank you. Yes,  
29 Mr. Rexford, we will. I'm going to ask the staff  
30 committee to meet tomorrow at noon or when we break  
31 for lunch, give everybody a chance to read this and  
32 then we'll be scheduling it. With all the parties  
33 having agreed to it, I don't see that it would be any  
34 large or extensive review. So we will be able to  
35 schedule, tomorrow after lunch we'll be able to  
36 schedule to vote on this, on this management  
37 agreement. And again, I complicate -- compliment  
38 you -- complicate you ? Compliment you for your  
39 perseverance in working on this. I know you  
40 personally put a lot of time in this as have a number  
41 of other people, but it's been real good and I'm glad  
42 to see you guys doing this, got this done. So we will  
43 have a vote on it this week.

44  
45 FENTON REXFORD: Perhaps, Mr. Chairman, I  
46 don't know when this week, but you are going to  
47 revisit this, do you know when later this week? I  
48 think if you heard from the Park Service and those  
49 that are involved with this harvest plan that by this  
50 afternoon before you go on to the next subject, you



1 can approve of this harvest plan. I don't know  
2 what -- vote of confidence and trust, Mr. Rabinowitch,  
3 Peggy Fox has been involved and Elizabeth Andrews'  
4 colleague, Jeff Carroll (ph), working with Wayne  
5 Regelin, Director of Fish & Wildlife and Alaska  
6 Department of Fish & Game. This is -- I don't know.  
7 When will you take that up; do you know or can you  
8 take it this afternoon?

9  
10 CHAIRMAN DEMIENTIEFF: If they can get  
11 the staff committee together by noon tomorrow, I  
12 wouldn't be opposed to putting it on the agenda in the  
13 afternoon. There's not going to be any long delay,  
14 Fenton.

15  
16 FENTON REXFORD: No further comment then,  
17 Mr. Chairman.

18  
19 CHAIRMAN DEMIENTIEFF: Okay. Is there a  
20 motion to defer on Proposal 63?

21  
22 DAVID ALLEN: Mr. Chairman, on Proposal  
23 63, I recommend or I move that we accept the  
24 recommendation of the staff committee which also  
25 supports the recommendation of the Regional Advisory  
26 Council and the State to defer this action.

27  
28 CHAIRMAN DEMIENTIEFF: There's a motion.  
29 Is there a second?

30  
31 SALLY WISELY: Second.

32  
33 CHAIRMAN DEMIENTIEFF: Discussion? Any  
34 final Regional Council comment?

35  
36 Hearing none, all those in favor of the motion,  
37 please signify by saying aye.

38  
39 (Response).

40  
41 CHAIRMAN DEMIENTIEFF: Those opposed same  
42 sign.

43  
44 (No response).

45  
46 CHAIRMAN DEMIENTIEFF: Motion carries.

47  
48 We'll move onto the Bristol Bay Region, Proposal  
49 Number -- I'll give the staff here a chance to  
50 exchange.

1 Pat, are you ready for staff report on Proposal  
2 30?

3  
4 PAT McCLENAHAN: Yes, Mr. Chairman. I'm  
5 Pat McClenahan. Proposal 99-30 submitted by Bristol  
6 Bay Native Association, Bristol Bay Regional Advisory  
7 Council, Beth Joy Abalama and John Knutsen requests a  
8 positive customary and traditional use determination  
9 for Unit 9(C) brown bear for rural residents of Unit  
10 9(C).

11  
12 The map on Page 7 under Tab 4 shows the extent of  
13 federal lands in Unit 9(C). The majority are National  
14 Park Service lands comprising Katmai National Park,  
15 that is closed to hunting fish -- hunting for  
16 subsistence use. Fish & Wildlife Service administers  
17 the Alaska Peninsula, Becharof National Wildlife  
18 Refuge in the southern part of Unit 9(C), and the  
19 Bureau of Land Management administers some land in the  
20 northern part of Unit 9(C).

21  
22 The proposal would allow for subsistence use of  
23 brown bear in this unit by the unit's rural residents  
24 on federal land open hunting upon establishing an open  
25 season. The Federal Subsistence Board deferred this  
26 proposal in 1997, and again in 1998, awaiting  
27 additional information, especially in light of  
28 negative information that was provided by ADF&G and  
29 several of their Alaska Peninsula subsistence studies  
30 that were done just recently.

31  
32 The archaeological record, historic accounts and  
33 oral histories of Unit 9(C) residents provide concrete  
34 evidence of historic use of brown bears in the unit.  
35 Native elders and hunters, contemporary residents with  
36 longstanding roots in the community, communities of  
37 Unit 9(C), those communities are King Salmon, Naknek,  
38 and South Naknek and in the former villages of  
39 Paug-Vik, Kittiwik and Old Savonoski identified brown  
40 bear as a consistently hunted subsistence resource  
41 during their generations, roughly from the early 1900s  
42 until sometime in the 1950s when the Naknek Lake area  
43 was incorporated into Katmai National Park and  
44 subsistence brown bear hunting was disrupted for some  
45 hunters.

46  
47 Written documentation submitted by Paug-Vik  
48 Limited and the South Naknek Village Council in 1997  
49 indicate that several Naknek, King Salmon and South  
50 Naknek families and heads of households that include

1 the McCarlos, Melgenaks, the Angasans, the Wassillies  
2 and the Holstroms and the Ansaknoks and Chukans  
3 traditionally hunted brown bears.

4  
5 In 1998, staff interviewed South Naknek  
6 residents, Clarence Kraun, Liisia Ansaknok and Mr. and  
7 Mrs. Carvel Zimin, Sr., who provided the names of 16  
8 other residents and former residents who were bear  
9 hunters. Mike Shapsnikoff is an example of one of  
10 those hunters who do not belong to this same extended  
11 family, the names of which I gave you just a moment  
12 ago. He was originally from the Aleutian Islands. Of  
13 the 16 residents that were named, only a few are still  
14 alive and their reported areas of historic use  
15 included Naknek Lake, Savonoski River, Brooks River,  
16 Discovery Bay and Margot Creek.

17  
18 Brown bear has been an important secondary  
19 resource that subsistence users turn to in times of  
20 shortage and is a source of bear fat sought after as  
21 an accompaniment to other foods.

22  
23 Table 3 gives sealing record information showing  
24 that during the past 20 years, the rural residents of  
25 Unit 9(C) have hunted a small number of bears over  
26 those years, primarily in their home unit with the  
27 numbers fluctuating over time. This pattern is  
28 consistent with subsistence brown bear use elsewhere  
29 in Alaska.

30  
31 During the past few years, subsistence use of  
32 brown bears by the residents of Unit 9(C) has been  
33 minimal. The most recent subsistence use study was  
34 done between 1994 and 1997. In the 1994 and '95  
35 study, of those residents sampled in Unit 9(C), and  
36 this was a 30% random sample, at least one household  
37 in each community reported either using or attempting  
38 to harvest brown bear. However, the harvest efforts  
39 were not always successful. During the 1995/96  
40 season, none of the sampled households, again with the  
41 30% random sample, in King Salmon and Naknek reported  
42 hunting or using brown bear. Of South Naknek  
43 residents, 2.7% reported hunting brown bear and 10.8%  
44 reported using brown bear products that year. In the  
45 last year, 1996/97, none of the sampled households in  
46 Naknek, King Salmon or South Naknek reported hunting  
47 brown bear and only 2.7% of sampled households in  
48 South Naknek reported using bear products during that  
49 year.

50 Some residents of Unit 9(C) still hunt and use

1 brown bear. These residents have indicated that they  
2 would like to have the opportunity for themselves and  
3 their children to subsistence hunt brown bears on  
4 federal public lands in Unit 9(C) once more.

5  
6 The evidence taken together confirms that the  
7 rural residents of 9(C) hunted brown bears  
8 historically in the greater Naknek drainage and  
9 continue to hunt some into modern times. The 1985  
10 Alaska Habitat Management Guide subsistence use area  
11 maps show that residents of these three communities  
12 all use the southeastern portion of Unit 9(C), as  
13 well, for subsistence hunting in the area of Big  
14 Creek, which is outside of Katmai National Park, and  
15 inside Becharof National Wildlife Refuge.

16  
17 Subsistence hunting is opportunistic in nature  
18 with a variety of annals and other resources being  
19 taken at one time. Additionally, brown bear use may  
20 be cyclic depending upon the availability of other  
21 resources. Thank you, Mr. Chairman.

22  
23 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
24 committee recommendation?

25  
26 TOM BOYD: Yes, Mr. Chair, staff  
27 committee recommends we adopt the proposal consistent  
28 with the recommendation of the Bristol Bay Regional  
29 Council. I think the justifications presented on Page  
30 4 of the Board book -- and I won't read that in the  
31 record, I'll just ask you to look at it. Many of the  
32 reasons cited by Ms. McClenahan, the information that  
33 is evident of some use, although -- although not all  
34 families or only a small number of families seem to be  
35 using brown bear, there is evidence of a pattern of  
36 use in this particular subunit, and there was also  
37 evidence that traditional hunting practices were  
38 disrupted by events beyond their control and they  
39 would like to re-establish their subsistence hunting  
40 use of brown bears on federal public lands in 9(C).

41  
42 CHAIRMAN DEMIENTIEFF: Thank you. State  
43 comments?

44  
45 ELIZABETH ANDREWS: Thank you,  
46 Mr. Chairman, few comments on this proposal. The  
47 Department doesn't support this for the entire subunit  
48 based on the information that's in the staff  
49 analysis. While we recognize that a lot of good  
50 information's been brought forward, almost all the

1 information you have before you is describing brown  
2 bear hunting use in the park lands area. So there's  
3 certainly considerable area, considerable use  
4 demonstrated for the Katmai National Park area of  
5 9(C).  
6

7 In addition, we've heard and certainly our own  
8 studies have shown that the closure of the park lands  
9 to hunting has disrupted traditional hunting  
10 patterns. What we don't see in the staff analysis  
11 really is where on federal public lands in 9(C) the  
12 displacement has taken place. So while people were  
13 displaced from being able to use the Katmai Park, and  
14 that is their traditional area, it's not really clear  
15 what other federal lands in 9(C) have been used by  
16 residents of 9(C). The information our Division has  
17 does show use of 9(C), but it's on the BLM lands in  
18 the northern portion and it's by the community of  
19 Levelock, which is outside of 9(C). It's in 9 -- it's  
20 in 9 -- let's see, 9(B).  
21

22 So Mr. Chair, while there is information that  
23 shows that these -- the communities of Naknek, South  
24 Naknek, King Salmon have hunted brown bear in the park  
25 areas, it's not really clear what other federal lands  
26 they've taken brown bear on. And the analysis is  
27 missing the information from Levelock, which is the  
28 one that has use of the BLM lands.  
29

30 So for those reasons, we don't think the  
31 information's there to support the proposal as  
32 written. There's certainly information there that's  
33 good information and important information, but I  
34 don't think it really speaks to the proposal. Thank  
35 you, Mr. Chairman.  
36

37 CHAIRMAN DEMIENTIEFF: Thank you. We  
38 have one request for public testimony at this time,  
39 John Knutsen.  
40

41 JOHN KNUTSEN: Thank you, Mr. Chair and  
42 Board members. My name is John C. Knutsen. I'm  
43 speaking as a traditional user and as President of  
44 Paug-Vik, Inc. Limited, the Native corporation in  
45 Naknek. I represent the majority of the shareholders  
46 for that group and also as a member of the traditional  
47 Naknek Native Village Council, I represent that entire  
48 group. And I've spoken to this Board before regarding  
49 the proposal to re-establish a traditional and  
50 customary use for brown bear for 9(C).

1           From the time that I was 12, yes, I hunted brown  
2 bear in the Naknek Lake area, but with that closure,  
3 of course, we had to hunt elsewhere. We've hunted  
4 brown bear in Naknek Lake and as another source we've  
5 hunted up Big Creek, which is the Becharof National  
6 Wildlife Refuge, in that area, and we also hunted at  
7 Small Creek, as alternatives, which we still do  
8 today. Small Creek, of course, is primarily State  
9 land. So we've -- we have used the park, the refuge  
10 and state lands as the resource.

11  
12           I've read the comments and heard what the State  
13 has said. We've been denied the traditional and  
14 customary use of brown bear. With migratory birds,  
15 we've had to hunt those illegally and with the  
16 amendments, hopefully we'll have a legal spring hunt  
17 and from time to time, we've had to do -- hunt and  
18 fish in Katmai National Park for red fish and other  
19 resources.

20  
21           By allowing us a traditional customary use, we'll  
22 be able to monitor what we take as a village and then  
23 can account for the use that is going on that is  
24 unaccounted for now. So I would ask that this Board  
25 support Proposal 30 which has been before us for  
26 several number of years, and we have provided a lot of  
27 information to show that we have used it, and with  
28 that, I would like to thank you again and hopefully  
29 we'll finally put this to rest and have a positive C&T  
30 for 9(C).

31  
32                           CHAIRMAN DEMIENTIEFF: Regional Council  
33 comment?

34  
35           DAN O'HARA: Mr. Chairman, my name is Dan  
36 O'Hara. My name is Dan O'Hara, Chair of the Bristol  
37 Bay Federal Council and you can see under  
38 justification by the Bristol Bay Council that we  
39 recommend a C&T for this area. Evidence going back as  
40 far as 1450 A.D., should be no negative votes coming  
41 in with that kind of information.

42  
43           There's one thing the State of Alaska said I  
44 think we should maybe just comment a little more on  
45 and that is add a little more information to, Levelock  
46 not being a part of recording for subsistence use on  
47 brown bear, and there's a reason for that and John  
48 Knutsen made mention of how that sometimes, you know,  
49 you hunted maybe illegally or if you hunted, you were  
50 maybe not comfortable in reporting the hunt. And this

1 is very typical of Levelock. Does not necessarily  
2 mean they did not hunt brown bear, because we know  
3 they did, and they use them all the time up the  
4 Alakanuk branch and I think if Ted Krieg with Bristol  
5 Bay Native Association went up there and did a door to  
6 door, he'd find out that there's a good deal of  
7 support of long time use of Levelock, probably more so  
8 than in many, many villages in the Bristol Bay area.  
9 So I think there's absolutely good evidence that we go  
10 ahead and make this C&T finding. Thank you very much,  
11 Mr. Chairman.

12  
13 CHAIRMAN DEMIENTIEFF: Thank you.  
14 Additional Regional Council comment. Bill?

15  
16 BILL THOMAS: Thank you, Mr. Chairman. I  
17 couldn't have asked for a better scenario if I asked,  
18 if I looked for one. We spent two years now working  
19 on customary and traditional determinations and this  
20 is where it's got us. This is going to happen every  
21 time you make a request like this. The request to  
22 establish C&T use determination was wrong from the  
23 start. C&T should have -- that should have been  
24 establish subsistence determination for that because  
25 nobody knows what in the hell C&T determinations are.

26  
27 Okay, in the justification on Page 13, about the  
28 fourth sentence down, started with 30 percent random  
29 sample, says 30% random sample does not show current  
30 subsistence use of brown bear by residents of Unit  
31 9(C). However, there is sufficient historic  
32 information showing that 9(C) residents subsistence  
33 hunted and used brown bears and that at least for some  
34 families.

35  
36 That is a typical use of a resource for  
37 subsistence gathering. There's nothing that says  
38 every family goes out and uses that. When a person  
39 goes out and gets food for subsistence, they share.  
40 That nullifies their neighbor from needing to go out  
41 and do the same thing. I contend that this C&T demon  
42 is going to bite you in the butt every time you  
43 mention it. Thank you, Mr. Chairman.

44  
45 CHAIRMAN DEMIENTIEFF: Thank you. I've  
46 just been notified that we do have some additional  
47 late arriving written records. I'll come back to you,  
48 Elizabeth, in a minute, but I want to make sure we get  
49 these late arriving letters read into the record.  
50 Jerry?

1 JERRY BERG: Yes, Mr. Chair, we received  
2 four written comments on Proposal 30, two in  
3 opposition and two in support of the proposal. The  
4 Alaska Professional Hunters Association opposes the  
5 proposal, citing very little harvest data of brown  
6 bear use in the area and they do offer suggestions to  
7 address concerns in the proposal. Joe Hendricks is  
8 opposed to the proposal. He believes that the  
9 existing sport season is sufficient and that there is  
10 no valid C&T uses.

11  
12 In support of the proposal, the Paug-Vik,  
13 Incorporated of Naknek and Naknek Native Village  
14 Council both submitted resolutions in support of a  
15 brown bear C&T determination for residents of Unit  
16 9(C). And that concludes the written comments. Thank  
17 you, Mr. Chair.

18  
19 CHAIRMAN DEMIENTIEFF: Thank you.  
20 Elizabeth, do you have --

21  
22 ELIZABETH ANDREWS: Yeah, thank you,  
23 Mr. Chair. Just for clarification, what I said about  
24 Levelock was that in fact we do have information that  
25 shows that Levelock has hunted brown bear in 9(C) and  
26 we did that, you know, that was the result of the door  
27 to door surveys with Bristol Bay Native Association.  
28 So perhaps I didn't make that clear, and where we show  
29 that is in the areas where the BLM land is in Unit  
30 9(C). And my point was is that I'm not sure why, but  
31 it was -- that was not part of the staff analysis and  
32 it would have been helpful to have that additional  
33 information in the staff analysis when reviewing a  
34 proposal like this.

35  
36 DAN O'HARA: Mr. Chairman, I apologize if  
37 I misrepresented that statement. Elizabeth, you said  
38 that Levelock did hunt brown bear in 9(C), so that's  
39 justification to support C&T and they have hunted on  
40 down through 9(E), too. Thank you.

41  
42 CHAIRMAN DEMIENTIEFF: Any additional  
43 Regional Council comment?

44  
45 FENTON REXFORD: North Slope supports the  
46 proposal.

47  
48 CHAIRMAN DEMIENTIEFF: Thank you,  
49 Mr. Rexford. We're ready for board action -- or  
50 inaction. Go ahead, Dave.



1                   DAVID ALLEN: Mr. Chair, with respect to  
2 Proposal Number 30 to establish C&T for brown bear in  
3 Unit 9(C) to include residents of 9(C), I recommend  
4 that we support this proposal. I move that we support  
5 this proposal as recommended by the staff committee.

6  
7                   WARREN HEISLER: Second.

8  
9                   CHAIRMAN DEMIENTIEFF: Motion's been made  
10 and seconded. Is there additional Regional Council  
11 comment?

12  
13                  HARRY WILDE: Mr. Chairman,  
14 Yukon-Kuskokwim Regional Council support Bristol Bay  
15 Council recommendations.

16  
17                  CHAIRMAN DEMIENTIEFF: Thank you. Yes?

18  
19                  VINCENT TUTIAKOFF: Mr. Chairman,  
20 Kodiak/Aleutians supports the recommendations of  
21 Bristol Bay.

22  
23                  CHAIRMAN DEMIENTIEFF: Any other final  
24 Regional Council comments?

25  
26                  GRACE CROSS: Seward Peninsula supports  
27 the recommendation.

28  
29                  WILLIE GOODWIN: Mr. Chairman, Northwest  
30 also.

31  
32                  CHAIRMAN DEMIENTIEFF: You have an  
33 additional comment, Mr. O'Hara?

34  
35                  DAN O'HARA: No.

36  
37                  CHAIRMAN DEMIENTIEFF: Okay. Any further  
38 discussion by the board?

39  
40                  Hearing none, all those in favor of the motion,  
41 please signify by saying aye.

42  
43                  (Response).

44  
45                  CHAIRMAN DEMIENTIEFF: Those opposed,  
46 same sign.

47  
48                  (No response).

49  
50                  CHAIRMAN DEMIENTIEFF: Motion carries.

1 31?

2

3 PAT McCLENAHAN: Yes, Mr. Chairman,  
4 proposal 99-31 was submitted by the Pilot Point  
5 Traditional Council and it requests that the residents  
6 of Pilot Point and Ugashik be added to the existing  
7 customary and traditional use finding for brown bear  
8 in 9(E).

9

10 In 1998, a similar proposal was tabled for one  
11 year at Pilot Point's request until more complete  
12 information could be obtained. In addition, the  
13 Aniakchak Subsistence Resource Advisory Council  
14 submitted a request to Secretary of the Interior,  
15 Bruce Babbitt, asking that the four remaining  
16 communities in unit 9(E) that did not have positive  
17 C&T be added to the existing customary and traditional  
18 use determination. That would include Chignik and  
19 Chignik Lagoon. And so it's for these four  
20 communities that the analysis was prepared.

21

22 We are entertaining several considerations here.  
23 One factor is a stated desire by the residents of  
24 Pilot Point and Ugashik to establish a hunting  
25 practice that has languished in recent times in order  
26 to provide elders with a coveted delicacy and provide  
27 the younger generation with information about the bear  
28 hunting tradition. Another is a desire to provide an  
29 opportunity to take an alternative resource in the  
30 face of potential resource shortages and in light of  
31 recent failures of other basic subsistence resources  
32 such as salmon, caribou and for some families, seals.

33

34 A third consideration is a longstanding  
35 reluctance to talk about bears. The Pilot Point  
36 Traditional Council provided details about the  
37 subsistence use of brown bears by the residents of  
38 Pilot Point and Ugashik, including the names of 17  
39 subsistence bear hunters in the area. A subsistence  
40 use area map that was provided by Pilot Point last  
41 year, Pilot Point Traditional Council last year, can  
42 be found on Page 33 under Tab 4. Next to it is  
43 another general subsistence use area map for Pilot  
44 Point and Ugashik.

45

46 For Chignik, included in fall et al.s 1989 list  
47 of subsistence resources being used by Chignik  
48 residents in the late 1980s are a small number of  
49 brown bears. The most recent ADF&G study published in  
50 1998 showed that 6.7% of Chignik residents use brown

1 bear and 3.3% hunted brown bear, but none were taken  
2 in 1996 or '97. ADF&G harvest records show that the  
3 community took 18 brown bears between 1966 and 1991.  
4 Again, this is consistent with brown bear use  
5 elsewhere, subsistence brown bear use elsewhere in  
6 Alaska.

7  
8 For Chignik Lagoon, ADF&G harvest records list  
9 only six brown bears taken by this community between  
10 1971 and 1991. There have been no reported brown bear  
11 harvests since 1991.

12  
13 Evidence provided for each of the eight factors  
14 suggests that the subsistence use of brown bear by  
15 these communities has been intermittent since ADF&G  
16 records have been kept and that not all brown bear  
17 kills may have been reported, but the brown bear has  
18 been an important alternative resource when primary  
19 resources such as caribou and salmon fail. This  
20 pattern, as I said before, is not inconsistent with  
21 subsistence hunting of brown bear elsewhere in  
22 Southwest Alaska.

23  
24 For the four communities, there appears to have  
25 been a gap in hunting effort since 1991, except for  
26 two bears reported taken by Pilot Point and Ugashik  
27 residents in 1995. Residents of Pilot Point and  
28 Ugashik are expressing interest in re-establishing  
29 this languishing subsistence practice in order to  
30 provide their elders with the food they long for and  
31 to give their children an opportunity to learn the  
32 traditional ways to hunt, treat, share and prepare  
33 bear.

34  
35 Regional Coordinator, Jerry Berg, may have public  
36 comments to read.

37  
38 JERRY BERG: Mr. Chair, we received two  
39 written comments on Proposal 31, both in opposition of  
40 the proposal. Joe Hendricks opposes the proposal  
41 stating that few residents of Pilot Point or Ugashik  
42 harvest brown bear. The Alaska Professional Hunters  
43 Association opposes the proposal citing very little  
44 harvest reporting of brown bear use in the area. They  
45 do offer suggestions to address the concerns of the  
46 proposal. That concludes the written comments. Thank  
47 you, Mr. Chair.

48  
49 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
50 committee recommendation?

1 TOM BOYD: Mr. Chair, the staff committee  
2 recommends adopting the proposal as modified by  
3 Bristol Bay Council. We haven't gotten to that  
4 modification yet, but they wish to add communities --  
5 well, to include all the residents of Pilot Point,  
6 Ugashik, Chignik Lagoon and Chignik. I think the  
7 evidence is as has been reported by Ms. McClenahan.  
8 The staff report suggests that subsistence use of  
9 brown bear by these communities, although  
10 intermittent, has occurred over time, and for the four  
11 communities there appears to have been a gap in  
12 hunting effort since 1991 except for two bears  
13 reported taken by Pilot Point and Ugashik residents in  
14 '95. Residents of Pilot Point and Ugashik are  
15 expressing an interest in re-establishing this  
16 languishing subsistence practice in order to provide  
17 the elders with the food they long for and to give  
18 their children the opportunity to learn the  
19 traditional ways to hunt, treat, share and prepare  
20 bear. In light of the recent caribou and salmon  
21 failures, the Unit 9(E) residents that do not yet have  
22 a positive customary and traditional use determination  
23 would appreciate being able to use bears as an  
24 alternative resource.

25  
26 CHAIRMAN DEMIENTIEFF: Department  
27 comments?

28  
29 ELIZABETH ANDREWS: Thank you,  
30 Mr. Chairman. The Department does not support this  
31 proposal based on the information that's presented in  
32 the staff analysis. As was pointed out, the  
33 Department conducted a study jointly with the Bristol  
34 Bay Native Association in this area, harvest study,  
35 which showed a -- showed that there really wasn't much  
36 evidence for brown bear hunting. Although we  
37 recognize certainly some households have taken brown  
38 bear, but still there's not information from that  
39 study or in this analysis that shows that that's a  
40 community pattern of use and that there's been a  
41 long-term consistent pattern of use.

42  
43 So we do recognize that some households have  
44 taken brown bear, but we don't think that it meets the  
45 standard of a community pattern of use based on the  
46 information that we have before us. Thank you,  
47 Mr. Chair.

48  
49 CHAIRMAN DEMIENTIEFF: Thank you. We  
50 have no requests for public testimony at this time.

1 Regional Council comments?

2

3 DAN O'HARA: Mr. Chairman, Dan O'Hara,  
4 Chair of Bristol Bay Council. I think there's been  
5 good testimony and evidence and staff recommendation  
6 to go ahead and pass this proposal, and I think Bill  
7 Thomas was very eloquent in saying that not every  
8 individual in the community has to go out and get a  
9 brown bear for us to have a C&T. I think that's a  
10 very important point. I appreciate that a lot.  
11 Appreciate the support of the rest of the Councils,  
12 too. And this will complete, I believe, if we can  
13 have the support, pretty much all the C&T for Bristol  
14 Bay. We've worked very hard to get where we're at and  
15 have had excellent staff support and we appreciate  
16 that a lot. So we would thank you for your support  
17 today.

18

19 GRACE CROSS: Mr. Chairman, coming from  
20 the area of depleting salmon runs, I can understand  
21 the position where these communities are coming from.  
22 In the event where our main source of food is running  
23 low, we have to look for alternate sources and this is  
24 exactly what they're doing. And that should not ever  
25 be taken lightly by any group because it -- our way of  
26 life is from the land and this is exactly what I see  
27 them as doing, looking for an alternate source of  
28 food. Thank you.

29

30 CHAIRMAN DEMIENTIEFF: Additional  
31 Regional Council comment?

32

33 HARRY WILDE: Mr. Chairman,  
34 Yukon-Kuskokwim gives its support.

35

36 CHAIRMAN DEMIENTIEFF: Thank you. Any  
37 other Regional Council comments?

38

39 RALPH LOHSE: Mr. Chairman, first of all  
40 I'll have to go along with Bill, something that he's  
41 talked about a lot of times on the C&T. It seems  
42 logical to me that people who live in an area, local  
43 residents that are subsistence users will make use of  
44 most subsistence resources that are in the area. In  
45 this case here, I can't speak on what's been going on  
46 in the last 20 years out there, but 30-some years ago,  
47 I taught school out in that area and 30-some years  
48 ago, as a community and as a village that I lived in,  
49 we took brown bear to eat as a village, and we cook it  
50 as a village. We didn't have everybody in the village

1 hunt brown bear. We did have an individual in the  
2 village who was skilled at it and hunted brown bear  
3 and shared it with the rest of the village. We also  
4 did it opportunistically when we went out caribou  
5 hunting, when we came across brown bear, we took it  
6 for food for the village. That's the way subsistence  
7 works. The fact that they haven't taken it for the  
8 last couple years or ten years or something like that  
9 doesn't mean they haven't taken it in the past and  
10 this comes in when we start dealing with customary and  
11 traditional. It's one of the problems with customary  
12 and traditional. We haven't been able to set up a  
13 time frame because we're dealing with two different  
14 cultures. ANILCA deals with Natives and non-Native  
15 and it's rural preference for Natives and  
16 non-Natives. When you're dealing with non-Natives,  
17 you can't say they've had a habit for generations and  
18 generations and generations because they haven't been  
19 here for generations and generations and generations,  
20 but at the same time, the fact that in the Native  
21 culture a generation has been skipped or a generation  
22 hasn't made use of a product doesn't mean that that  
23 product wasn't customary and traditional for that  
24 culture in the past. And again, like has been pointed  
25 out, if there are other resources available, you don't  
26 take the most dangerous, you don't take the one that  
27 takes the most work. You take the easiest resource.  
28 From that standpoint, I have to support them, because  
29 I can't imagine residents in Unit 9(C) that didn't  
30 take brown bear as a culture for their food, from my  
31 own experience having lived out there.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. Bill?

34

35 BILL THOMAS: I swore, took an oath of  
36 silence here, but I have to break it. In Section  
37 8.03, making reference to Ralph's comments, it says as  
38 used in this Act, the term subsistence uses means the  
39 customary and traditional use by rural residents of  
40 wild renewable resources. It doesn't say you have to  
41 have a measured time on how long you've used it. It  
42 doesn't say you have to have a historic pattern. It  
43 says subsistence means the customary and traditional  
44 uses. It tries to -- it tries to give the idea what  
45 subsistence should be looked at or viewed as. It  
46 doesn't say anything about time. Where we come up  
47 with a time factor is beyond me. Thank you,  
48 Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Additional

1 Regional Council comment?

2

3 VINCENT TUTIAKOFF: Yes, Mr. Chair,  
4 Kodiak/Aleutians supports this proposal and hope that  
5 Bristol Bay will go ahead with their C&T, finish it  
6 up.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. We're  
9 ready for a Board motion.

10

11 DAVID ALLEN: Mr. Chair, I'm prepared to  
12 make that motion. Mr. Chairman, I move that the  
13 Proposal Number 31 to revise C&T to include Pilot  
14 Point, Ugashik, Chignik Lagoon and Chignik, along with  
15 the other communities already identified in 9(E) be  
16 supported as recommended by the Bristol Bay Regional  
17 Advisory Council and the staff committee.

18

19 CHAIRMAN DEMIENTIEFF: There's a motion.  
20 Is there a second?

21

22 SALLY WISELY: Second.

23

24 CHAIRMAN DEMIENTIEFF: Moved and  
25 seconded. Discussion?

26

27 DAVID ALLEN: Just one comment,  
28 Mr. Chairman. I very much appreciate the comments  
29 that have been shared by the various Regional Advisory  
30 Council Chairmen. I believe that the Board has  
31 progressed rather substantially in its early views  
32 relative to C&T determinations as to how we view them  
33 today, which are very consistent with many of the  
34 views that were expressed by all of you. It is for  
35 that reason that I support this proposal.

36

37 CHAIRMAN DEMIENTIEFF: Thank you.  
38 Additional discussion? Anymore Regional Council  
39 comment?

40

41 Hearing none, all those in favor of the motion,  
42 please signify buy saying aye.

43

44 (Response).

45

46 CHAIRMAN DEMIENTIEFF: Those opposed,  
47 same sign.

48

49 (No Response)

50

1 CHAIRMAN DEMIENTIEFF: Motion carries.  
2 Okay, next proposal.

3  
4 DAVE FISHER: Mr. Chairman, the next  
5 proposal is 32, 33 and 34. All those deal with  
6 caribou in Units 9(C) and 9(E). However, part of 34  
7 deals with moose and that part of 34 that deals with  
8 moose, we will discuss that in Proposal 36.

9  
10 These proposals would revise the harvest limit  
11 for caribou in 9(C) and 9(E) remainder. It will also  
12 change the harvest seasons and close all or parts of  
13 9(E) remainder to non-qualified users.

14  
15 The Federal Subsistence Board has considered  
16 several special actions dealing with this caribou herd  
17 on the Alaska Peninsula, one reduced the harvest  
18 limits, another special action as you recall was  
19 deferred pending our workshop in December -- workshop  
20 in September of '98 and as a result of that workshop,  
21 Proposal 32 got its start. And you'll also recall  
22 that part of 9(E) was closed to all caribou hunting  
23 and this was the result of the Ivanof Bay resolution.

24  
25 The Nushagak -- not Nushagak, but Northern Alaska  
26 Peninsula herd like all caribou herds has fluctuated  
27 widely over the years. It reached the population of  
28 around 20,000 in the mid 1980s and has since declined  
29 to around 10,000 in '97 and the current estimate is  
30 around 9200 animals. Overgrazing of the range has  
31 created conditions on the herd, nutritional stress,  
32 and as a result, there's been a decline in herd  
33 productivity, poor survival of calves. Bull cow ratio  
34 has also declined from around 42 per 100 down to  
35 around 31 to 100.

36  
37 What do we need to do to protect this herd?  
38 Well, one thing we need to do is we need to reduce the  
39 harvest of cows, take bulls only. The current  
40 estimate for the '99/2000 harvest season is we have an  
41 estimate based on current data estimating around 600  
42 surplus bulls available for harvest. There's been a  
43 downward trend in the harvest for the last three or  
44 four years. The harvest peaked at about 1400 in '93  
45 and '94. Reviewing all the harvest ticket data and  
46 also household studies that have been conducted on  
47 this herd, most of the harvest has occurred off of  
48 federal public lands. We're estimating that about 10%  
49 of the total harvest has been on federal public  
50 lands.



1       The Board of Game at the March meeting expressed  
2 extreme concern for the decline in this herd. As a  
3 result, they adopted a Tier II hunt based on the  
4 decline and also low herd productivity. And as a  
5 result, we have modified our recommendation to align  
6 our regulations with current Board of Game  
7 regulations.  
8

9       Another modification that was made, as I  
10 mentioned earlier, part of 9(E) was closed to all  
11 caribou hunting. We want to revise that to close that  
12 to non-qualified users.  
13

14       After sitting in on the Board of Game meeting and  
15 going through the Tier II process, we thought that the  
16 Tier II process would work for federal public lands.  
17 However, closer examination revealed that somebody  
18 could qualify for a federal registration permit and  
19 not a Tier II permit and still live in 9(C) or 9(E),  
20 as there is no resident requirement for obtaining a  
21 federal -- that would allow someone to hunt on federal  
22 public lands.  
23

24       So we are going to initiate a federal  
25 registration permit process. As I explained earlier,  
26 there's an estimate of 600 bulls available for  
27 harvest. There'll be some additional surveys done  
28 this summer and a final determination will be made on  
29 the number of excess bulls that are available for  
30 harvest at that time.  
31

32       The Alaska Department of Fish & Game, in  
33 coordination with the Wildlife Refuge and King Salmon  
34 will determine the number of bulls that are available  
35 and the number of permits that are available. Ten  
36 percent of those federal permits or 10% of those total  
37 permits will be federal registration permits.  
38

39       The Alaska Department of Fish & Game Subsistence  
40 Division recently conducted some training in Port  
41 Heiden on how a Tier II permit process would work.  
42 They have village representatives from each of the 12  
43 villages and they're going to go back and explain that  
44 to the local people in the villages. Sometime in late  
45 June we will determine the number of State two permits  
46 and federal registration permits that will be  
47 available. First part of July, we should be able to  
48 get the Tier II permit results from Fish & Game and at  
49 that time, we'll be able to determine how many Tier II  
50 permits will be issued to each village and then we can

1 make an adjustment, as far as the number of federal  
2 permits required by each village.

3  
4 If the number of federal permits equal the number  
5 of permits available, then the federal permits will be  
6 issued to each village based on historical use, and  
7 this is outlined in your table on Page 62.

8  
9 If the federal permit requests are less than the  
10 permits available, then the villages are notified that  
11 we will have additional permits. Now, if the federal  
12 permit requests are more than the permits available,  
13 then the number of federal permits would be issued to  
14 each village based on an 8.04 determination and we  
15 have -- are in the process of putting together a team  
16 that would work on this and help decide the  
17 distribution of federal permits. That team consists  
18 of Office of Subsistence Management, Bristol Bay  
19 Native Association, Regional Council, the 12 village  
20 reps I identified earlier and also Refuge Information  
21 Technicians.

22  
23 That basically concludes my testimony,  
24 Mr. Chairman.

25  
26 CHAIRMAN DEMIENTIEFF: Thank you.  
27 Written public comments?

28  
29 JERRY BERG: Yes, Mr. Chairman. As  
30 you've already heard in Dave's presentation, we're in  
31 a very different situation today than we were when  
32 these proposals were actually submitted and comments  
33 were made. I will summarize briefly that we did  
34 receive 21 written comments, all opposed to the  
35 original proposals as written, and four of those  
36 suggested modifications. One of those comments was  
37 sent in by fax last week and I'll read that into the  
38 record as public testimony today. However, the other  
39 comments can be summarized as being opposed to the  
40 closure of federal lands to non-qualified users,  
41 suggesting that this would adversely affect other user  
42 groups.

43  
44 I'll leave the summary at that for those  
45 proposals, given the current change in circumstances  
46 since the proposals were submitted, unless the Board  
47 would like anymore details or have specific questions  
48 about the comments submitted, and I'll go ahead and  
49 read the faxed testimony at this time.

50

1 CHAIRMAN DEMIENTIEFF: Go ahead.

2  
3 JERRY BERG: This letter was submitted by  
4 Victor Barnes, Westcliffe, Colorado. He represents  
5 the Alaska Professional Guide Association and he  
6 actually has two parts to this letter, and the second  
7 part deals with Proposal 36, but the part that deals  
8 with Proposal 32 states that, Dear Mr. Demientieff, on  
9 January 15th of 1999, I submitted comments to you on  
10 proposals to change Federal Subsistence Regulations  
11 for the '99/2000 regulatory year. Those comments were  
12 submitted on behalf of the Alaska Professional Hunters  
13 Association. With this letter I'm offering additional  
14 comments on behalf of the Association for  
15 consideration at the public meeting of the Federal  
16 Subsistence Board.

17  
18 I have reviewed my comments submitted January  
19 15th in a letter to you and find that the evaluations  
20 remain appropriate for consideration at the upcoming  
21 Board meeting. Regarding the Northern Alaska  
22 Peninsula caribou herd, I want to reaffirm the need  
23 for cooperation among all user groups toward recovery  
24 of that herd. Recently, the Alaska Board of Game  
25 implemented regulations that severely restrict harvest  
26 of the northern herd. Consequently, additional  
27 regulations by the Board to close hunting on federal  
28 land to non-qualified users would provide no benefit  
29 and are unnecessary. Such actions might even strain  
30 cooperative efforts and delay recovery of the northern  
31 herd.

32  
33 That concludes the comments. Thank you,  
34 Mr. Chair.

35  
36 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
37 committee recommendation?

38  
39 TOM BOYD: The staff committee, I'm going  
40 to ask Greg to come up and sort this one out for you.  
41 It's a little complex and I think he could probably do  
42 a better job than I can.

43  
44 CHAIRMAN DEMIENTIEFF: Go ahead.

45  
46 GREG BOS: Thank you, Mr. Chairman. For  
47 the record, my name is Greg Bos with the Office of  
48 Subsistence Management.

49  
50 The staff committee recommendation is to adopt

1 the proposal as modified by the Bristol Bay Regional  
2 Advisory Council. I won't repeat all of the  
3 particulars that the staff has already presented to  
4 you, but basically, it provides for a one bull harvest  
5 limit in Units 9(C) and 9(E) by federal registration  
6 permit only for residents of Units 9(C) and 9(E). The  
7 modification would reopen federal lands that have been  
8 closed to caribou hunting in the southern portion of  
9 Unit 9(E).

10

11 Action taken by the Alaska Board of Game in March  
12 shortened the season and reduced harvest limits to one  
13 bull with an overall harvest of 600 bulls by Tier II  
14 permit, thereby eliminating hunting by non-residents.

15

16 The biological information as presently available  
17 indicates that the Northern Alaska Peninsula caribou  
18 herd can only sustain a harvest of approximately 600  
19 bulls for the 1999/2000 season. Therefore, the  
20 combined total of permits issued, that's State and  
21 Federal permits together, should result in a total  
22 harvest of no more than 600 bulls. However, this  
23 number may change based on updated survey data that is  
24 obtained this summer.

25

26 Now, hunters with a State Tier II permit who  
27 qualify as federal subsistence users would be able to  
28 hunt on both State and federal public lands, however  
29 again, on the federal public lands, they would need to  
30 be residents of Units 9(C) and 9(E). A limited number  
31 of federal registration permits would be available for  
32 hunters who did not obtain a Tier II permit, but did  
33 qualify to hunt on federal public lands. Federal  
34 registration permits would only allow hunting on  
35 federal public lands.

36

37 With the limited number of both Federal and State  
38 permits to be issued, the dissemination of information  
39 on the permit processes becomes critical, especially  
40 in the outlying villages and Federal and State  
41 agencies will be working closely together to make this  
42 a success. I think you heard earlier from Mr. Krieg  
43 that the State has already had an orientation meeting  
44 with local villages in order to explain the Tier II  
45 process and we plan to work closely with the Bristol  
46 Bay Native Association through Mr. Krieg to provide a  
47 similar outreach effort for federal registration  
48 permits in the near future.

49

50 Staff committee also concurred with the Bristol

1 Bay Regional Advisory Council's recommendation to  
2 limit the distribution of federal registration permits  
3 to residents of Units 9(C) and 9(E). The Council has  
4 delivered the process for allocating among subsistence  
5 users in light of the limited number of caribou  
6 available, corresponding closely with the factors  
7 identified in Section 8.04 of ANILCA.

8  
9 The permitting strategy recommended by the  
10 Regional Council allows continuation of the State Tier  
11 II hunt which is beneficial to subsistence users who  
12 hunt on State lands but also ensures that subsistence  
13 users who have the most direct dependence on the  
14 Northern Alaska Peninsula caribou herd have access to  
15 federal permits if they do not receive a Tier II  
16 permit.

17  
18 CHAIRMAN DEMIENTIEFF: Department  
19 comments?

20  
21 ELIZABETH ANDREWS: Thank you,  
22 Mr. Chairman. As you know, this is a very critical  
23 situation that we have with the conservation of this  
24 herd and certainly appreciate the time that Mr. O'Hara  
25 and his Council and other people from his region spent  
26 at our Board of Game meeting last March to discuss the  
27 issue and to learn about the way the State system  
28 works and how we can try to address this and  
29 accommodate subsistence uses in the area. And I also  
30 want to acknowledge Mr. O'Hara's Council really  
31 wrestling with this at their meeting in March to  
32 understand what the State had to do and then also  
33 address as best they could providing subsistence use  
34 for federally qualified subsistence users.

35  
36 We agree with what's been proposed here. We  
37 certainly don't have a problem with it and we  
38 definitely appreciate all that the advisory committees  
39 did on the State side, as well as the Council members  
40 and the Federal staff to understand each other's  
41 system and to try to work something out that would  
42 accommodate subsistence uses under both the State and  
43 Federal system, as we're rebuilding this herd. Thank  
44 you, Mr. Chair.

45  
46 CHAIRMAN DEMIENTIEFF: Public comments?  
47 Gary King.

48  
49 GARY KING: My name's Gary King and I'm a  
50 Master Guide on the Alaska Peninsula. I started in

1 the area in question here, Unit 9(E), in 1971. I have  
2 not missed one year on the Alaska Peninsula. I  
3 currently reside on the Alaska Peninsula six months of  
4 the year. I fly airplanes nearly every day that I'm  
5 on the Alaska Peninsula. I own two lodges, Cinder  
6 River Lodge and Wildman Lake Lodge. One is in the  
7 Aniakchak, Cinder River, and from that area I have  
8 exclusive federal concessions in Amber Bay and  
9 Aniakchak Bay, as well as a portion of the upper  
10 Meshik area and the Aniakchak River flowing over into  
11 Lava Creek and going all the way to Bristol Bay coast  
12 on that side.

13  
14 My other concession at Wildman Lake Lodge  
15 includes the areas to the west of Mount Veniaminof, to  
16 the north of Veniaminof and also to the south of  
17 Veniaminof, including the drainages of the west fork  
18 of the Chignik River, those drainages of Blueberry and  
19 Fireweed Creek that flow into Black Lake, Rabbit Creek  
20 and also the drainages of Ivan Bay and Slim Creek on  
21 the Pacific side. These combined concessions, mostly  
22 federal, are nearly 2250 square miles of the Alaska  
23 Peninsula each. In essence, I hunt almost 5,000  
24 square miles of the Alaska Peninsula, including my  
25 State land.

26  
27 Now, the reason I tell you all this, and I also  
28 could mention I've probably logged over 10,000 flying  
29 hours on the Alaska Peninsula in my short lifetime.  
30 The reason I'm telling you all this is because I have  
31 without a doubt got more in field experience than  
32 anybody in the world on the moose population on the  
33 Alaska Peninsula. While I was operating just Cinder  
34 River Lodge back when my partner, Lee Holden, and my  
35 mentor, I might add, retired in 1983, I took over the  
36 full operation of the Cinder River Lodge. At that  
37 time, the moose population on the Alaska Peninsula was  
38 in dire straits. If you people thought that you  
39 needed to close some moose hunting, you should have  
40 closed it in 1983 because on federal land, the federal  
41 land that I had control of in 1983, I did close the  
42 moose hunting. I took one moose hunter a year for a  
43 number of years, beginning in 1983, in hopes that I  
44 could rebuild the moose population in the Aniakchak  
45 Preserve.

46  
47 Slowly, we began to see mature bulls, and by the  
48 way, we increased our bear hunting numbers at the same  
49 time, because the largest predator of moose calves is  
50 bears.

1 CHAIRMAN DEMIENTIEFF: Mr. King, you  
2 signed up to testify for both proposals but we will do  
3 36 after this, which is the moose part of this, all  
4 this work. These comments right are here on Proposal  
5 34.

6  
7 GARY KING: 34 on caribou?

8  
9 CHAIRMAN DEMIENTIEFF: Yes.

10  
11 GARY KING: Well I understand the State's  
12 pretty well taken care of the caribou hunting for us.  
13 In my proposal -- it's all ditto for caribou, because  
14 I was there for caribou at the same time. I guess if  
15 I'm just commenting on caribou, let me just throw a  
16 couple things out on caribou.

17  
18 The caribou population, without a doubt, has  
19 declined and because of this, we had not booked any  
20 1999 caribou hunts on the Alaska Peninsula from our  
21 Wildman Lodge. We did book a few at Cinder River  
22 Lodge, talking eight or ten, not too many, in order to  
23 bridge the gap between moose season that closes  
24 September 20 and the bear season that opens, at that  
25 time, the 7th of October. So I petitioned the Board  
26 in my comments to retain that season open because from  
27 an economic standpoint to run a lodge, you can't just  
28 shut the lodge down for two weeks, go home. You got  
29 people that all want \$150 a day to be guides and you  
30 got your airplanes mobilized at great expense. That  
31 didn't happen because of what the State did, but it is  
32 important to realize that we are out there providing  
33 visitor services to these parks and preserves. We  
34 also are providing great employment to the people up  
35 and down the peninsula. The subsistence lifestyle is  
36 a wonderful thing and I don't knock it one bit, but  
37 also, there's a monetary cash basis society out there  
38 and people do need employment and we provide that  
39 employment.

40  
41 And also, as far as the meat from any game that  
42 we harvest, I'd say 80% of the meat that's harvested  
43 in my operations is delivered to the villages of Pilot  
44 Point, Port Heiden and Chignik and this is good meat  
45 that's kept in electric meat houses to be protected  
46 from the bear. They're screened meat houses, and we  
47 delivered last year in our short caribou season that  
48 we had, about 1700 pounds of caribou meat to these  
49 villages and I have signed receipts from people and so  
50 forth and I not just saying we did this last year.

1 We've done this for 20 years. I'll be back to talk to  
2 you about the moose.

3  
4 CHAIRMAN DEMIENTIEFF: Thank you. Is  
5 that Mel Gillis?

6  
7 MEL GILLIS: I have nothing to say on the  
8 caribou. Thank you.

9  
10 CHAIRMAN DEMIENTIEFF: Okay, that  
11 completes our public testimony. Regional Council  
12 comments?

13  
14 DAN O'HARA: Mr. Chairman, Dan O'Hara,  
15 Chair of the Council, Bristol Bay. We of course as  
16 you know have seen a big decline in the caribou from I  
17 think 17,000 down to maybe a little more than 8,000  
18 and a lot of factors involved and we appreciate very  
19 much Dave Fisher and his information and Dick Sellers,  
20 State of Alaska. Could not have begun to handle this  
21 problem without the joint effort of these people. I  
22 appreciate the people allowing me to testify at the  
23 State board. It was both informational, good  
24 information for both of us. Along with that, we find  
25 there's a group represented from Bristol Bay of 9(C)  
26 and 9(E) both and the State board would let us gather  
27 in the form of a committee to work out this problem  
28 and I appreciate that so much and they had certain  
29 members of the Board that stayed and listened and they  
30 weren't there for a quorum or anything like that.  
31 They were there just gather information of what we  
32 might want to do as a committee.

33  
34 And after looking at this, we determined that the  
35 best way to go would be to go with the State of Alaska  
36 on a Tier II and there's something really important  
37 why we want to do that. If we went with 600 bulls  
38 under the federal program and our normal use of  
39 subsistence animals is anywhere from 12 to 15 hundred,  
40 we're trying to work our way back up the ladder after  
41 we get a healthy herd. We don't want to do that. We  
42 want to start off with numbers that we had before and  
43 that was a very important consideration of this group  
44 of people that was represented there.

45  
46 The second step is when we finally worked this  
47 out, Game Board decided on a Tier II, and they gave  
48 the dates and numbers and everything as satisfactory  
49 and then our Council met in Dillingham and the State  
50 people showed up again and Dick Russell showed up



1 again and Dave Fisher and others and we worked through  
2 the process at that level and then the Federal people  
3 made a provision for the Alaska Department of Fish &  
4 Game advisory board chairs, people to come and they  
5 came in big numbers and they worked with us and again,  
6 we had a consensus of how to handle this problem. And  
7 we appreciate the guides saying, hey, this is one of  
8 those tough things that takes place, but leave it as  
9 it is and we'll go from there.

10

11 I think one of the things that's probably  
12 important is that the Tier II is going to work and  
13 it's mostly these villages are on State land. So it's  
14 somewhat practical to go to a Tier II and then have  
15 something available to put on the table should some of  
16 the villages, Chignik, Perryville, Ivanof, those  
17 places on federal lands, some animals go by there.  
18 There should be a provision for them to get a few  
19 animals as well. But the biggest number of  
20 communities affected is on State lands on the  
21 coastline of Bristol Bay there. So all these things  
22 were taken into consideration when we worked through  
23 this process.

24

25 However, there's something very important that we  
26 all need to know and understand and it goes back to  
27 the sheep thing. Let's say for instance one of our  
28 committee members, and we will have this in the  
29 record, made a statement something like this: Should  
30 200 of the 600 of the permits come out of Anchorage in  
31 the Tier II, we're not going to be very happy about  
32 that. That's too big a imbalance as far as we're  
33 concerned on the decline of this herd with the caribou  
34 by these communities. So if that number were to come  
35 up, that many coming out of Anchorage, I would venture  
36 to say we'll be back here in a heartbeat to look at a  
37 different set of permitting system on the use of  
38 caribou in the federal lands by the qualified users.  
39 And I think that's about all that I had. It was a lot  
40 of hard work by a lot of people and we appreciate very  
41 much all the sides, you know, contributing all they  
42 did. Thank you, Mr. Chairman.

43

44 CHAIRMAN DEMIENTIEFF: Additional  
45 Regional Council comment? Has anybody got a motion  
46 prepared?

47

48 DAVID ALLEN: Yes, Mr. Chair. I would  
49 like to make a motion that we adopt the  
50 recommendations in Proposals 32, 33 and 34 as they

1 relate only to caribou, as recommended and modified by  
2 the Bristol Bay Regional Advisory Council and also  
3 agreed to and recommended by the interagency staff  
4 committee.

5

6 WARREN HEISLER: Second.

7

8 CHAIRMAN DEMIENTIEFF: Been moved and  
9 seconded. Discussion? Additional Regional Council  
10 comment?

11

12 Hearing none, all those in favor of the motion,  
13 please signify by saying aye.

14

15 (Response).

16

17 CHAIRMAN DEMIENTIEFF: Those opposed,  
18 same sign.

19

20 (No response).

21

22 CHAIRMAN DEMIENTIEFF: Motion carries.  
23 35's on the consent agenda. That brings us to 36.  
24 Are we ready for the introduction?

25

26 DAVE FISHER: Thank you, Mr. Chairman.  
27 Proposal 36 and that part of 34 that was submitted by  
28 the Bristol Bay Regional Council, Chignik Lagoon  
29 Traditional and Tribal Council. The original proposal  
30 was based on the Regional Council's adoption of the  
31 management recommendations from that workshop that was  
32 held in September in Naknek and that would close moose  
33 hunting on federal public lands in Subunit 9(E) on the  
34 Pacific side, the whole Pacific side. Basically,  
35 we're -- get my arrow lined up here -- Cape Igvak on  
36 down to Stepovak Bay. This would close federal public  
37 lands to non-qualified users.

38

39 This proposal was modified by the Bristol Bay  
40 Regional Council at the recent March Council meeting  
41 held in Dillingham. Modifications would close a  
42 smaller portion of federal public lands in Subunit  
43 9(E), basically -- I'm not quite coordinated here with  
44 my left hand, but basically, it's the Chignik unit,  
45 which is this area here. It's that area south of the  
46 Chignik River, Black Lake, but I'm going to refer to  
47 it as the Chignik unit.

48

49 The current federal subsistence season is  
50 September 1st through the 20th and December 1st

1 through the 31st, one bull. The Federal Subsistence  
2 Board considered two special actions to close moose  
3 hunting in federal public lands in 9(E) and at that  
4 time, these were deferred pending the outcome of that  
5 management workshop that we had in September.  
6 Biological information at that time indicated that the  
7 moose population in 9(E) was stable, with the  
8 estimated population of around 2500. Harvest on  
9 federal public lands was relatively low and the user  
10 competition, competition amongst the user groups was  
11 really only a factor during the season, the State  
12 season of September 10th through September 20th, with  
13 little or no competition occurring in December.  
14

15 Moose surveys in 9(E) conducted over the last 12  
16 to 15 years indicate a stable population in Subunit  
17 9(E) with adequate bull cow ratios. One  
18 recommendation from that workshop was to do additional  
19 surveys. Money was provided to the Refuge and Fish &  
20 Game to do additional surveys. These surveys were  
21 done in Subunit 9(E) this last November and December.  
22 Total moose seen were 978. There was 20 hours of  
23 flying time, nine survey -- nine different survey  
24 areas were covered.  
25

26 Surveys conducted in the Pacific drainages, there  
27 were several areas that weren't surveyed before, there  
28 was 413 moose counted. Bull cow ratios were 69 to  
29 100. Calf cow ratios were 23 to 100. Surveys  
30 conducted on the Pacific trend area were similar to  
31 what surveys showed since 1972. There was 116 moose  
32 seen in 1998 versus an average since 1972 of 117. The  
33 bull cow ratios were real high in 1998, 96 to 100.  
34 Calf cow ratio was 17 to 100, compared to the average  
35 since 1972 of bull cow ratios 58 to 100 and very low  
36 cow calf ratio of only 6.  
37

38 Surveys were also conducted on the Bristol Bay  
39 side in 1998. 565 moose were counted. Bull cow  
40 ratios were 64 to 100 and calf cow ratios were 20 to  
41 100. Earlier surveys conducted in same areas since  
42 1972 indicated the population is stable.  
43

44 One thing we need to note, the Chignik unit was  
45 not surveyed. It had planned to be surveyed but it  
46 was not surveyed. Mechanical problems to the plane,  
47 poor weather prohibited biologists from conducting any  
48 surveys there. However, discussions with the refuge  
49 staff and also Mr. Sellers indicate that from all  
50 probability, populations in that Chignik unit are

1 probably stable. They'd remain stable with adequate  
2 bull cow ratios. In addition, the Refuge staff has  
3 had discussions with guides who operate in that area  
4 and they indicate that the population is stable with  
5 adequate bull cow ratios.

6  
7 The harvest of moose from about 1983 to 1997 has  
8 been stable within sustainable levels and this has  
9 been reported through the harvest ticket system. The  
10 average harvest has been about 90 moose per year.

11  
12 Subsistence studies for the Alaska Peninsula  
13 communities have indicated a very low reporting system  
14 through the harvest ticket method. Household surveys  
15 have indicated a much higher, much higher harvest  
16 levels and these were studies conducted by Fish & Game  
17 Subsistence Division, with help from the Bristol Bay  
18 Native Association. These were the surveys that were  
19 done 1994 through 1997. Reasons offered by household  
20 residents as to why their moose needs are not being  
21 met included inadequate time to hunt, resource  
22 scarcities, reduced sharing among household families,  
23 faulty equipment, competition from guides who fly the  
24 area, they can determine where the moose are, and  
25 weather and travel conditions. Household surveys also  
26 indicated that the harvest effort was pretty well  
27 split between September and December, favoring  
28 September with a little bit of harvest in October.  
29 When you look at the harvest ticket data, that  
30 indicates that about 94% of all the harvest in 9(E)  
31 occurs in September, and indicates very little  
32 competition from non-rural users in December.

33  
34 At the Board of Game meeting last March, the  
35 Alaska Department extended the winter season in 9(E)  
36 to January 20th. They also relaxed the antler  
37 restrictions and the primary reasons for doing this  
38 was the stable population in 9(E), high bull cow  
39 ratios, and to provide an increase in subsistence  
40 opportunities later on in the season. Thank you,  
41 Mr. Chairman.

42  
43 CHAIRMAN DEMIENTIEFF: Written public  
44 comments?

45  
46 JERRY BERG: Yes, Mr. Chairman, we  
47 received 13 written comments on this proposal and five  
48 comments on moose for Proposal 34 which are addressed  
49 with this proposal. Three of these we received by fax  
50 last week and will be read into the record as public

1 testimony. Seventeen of the comments are opposed to  
2 the closure of federal lands to non-qualified users  
3 for moose and one comment supports the closure of the  
4 Chignik unit.

5  
6 In summary, four residents of Pilot Point and one  
7 resident of Port Heiden submitted the same comment,  
8 that several guides deliver moose meat to the village  
9 which is greatly appreciated by the elders and those  
10 who do not have the time or can no longer hunt for  
11 themselves. Kathleen and Butch King commented that  
12 their guiding business has delivered over 7400 pounds  
13 of moose meat to local residents. They also do not  
14 feel there is a biological reason for eliminating  
15 non-qualified users on federal lands. They feel that  
16 the moose are not near the village because of  
17 four-wheelers and snow machine use near the villages.

18  
19 Brent Jones commented that the guiding business,  
20 that his guiding business delivered over 2500 pounds  
21 of moose meat to the residents of Pilot Point. These  
22 were moose taken in areas inaccessible from the  
23 village. He suggests placing more limits on guiding  
24 activity rather than eliminating their access to  
25 federal lands.

26  
27 The Alaska Professional Hunters Association  
28 believes that the moose population is stable and does  
29 not warrant a closure of federal lands. They feel  
30 that a closure would promote conflict between user  
31 groups and that the current situation does not reduce  
32 the opportunity for local hunters to harvest moose.

33  
34 Joe Hendricks states that the perceived decline  
35 in moose population is incorrect as documented in last  
36 fall's moose survey.

37  
38 That concludes the summary of the written  
39 comments and now I have the three letters to read into  
40 the record as public testimony.

41  
42 The first letter was submitted by Johnny Lind.  
43 He's president of the Chignik Lake Village Council.  
44 Mr. Lind writes that on Proposal 36, the Chignik Lake  
45 Village Council supports the modified substitute  
46 motion made by the Bristol Bay Regional Council. I  
47 would like to mention that the subsistence problem  
48 with coho in Perryville, which is an ongoing problem.  
49 The Board of Fish chairman formed a task force to work  
50 on the problem and they are to report back their

1 findings in October.

2

3 Guide use areas, close or restrict guide use in  
4 narrow passes. An example is the pass from Stepovak  
5 Bay to the Bering Sea side. We are surrounded with  
6 guide use areas, and he enclosed a map. I have that  
7 available if you so wish, but it generally identifies  
8 the guide use areas in that area and he states that we  
9 need to restrict these areas with either no hunt  
10 zones, buffer zones or more restrictions.

11

12 Another justification that was not mentioned is  
13 that moose are going to be targeted because of the  
14 Tier II with the caribou situation. Also, there was  
15 no moose survey completed south of the Black Lake to  
16 Stepovak Bay area. Perryville and Ivanof Bay have  
17 been trying many different times in the past six years  
18 or more regarding the problem of no caribou in the  
19 area with different organizations, but nothing was  
20 done and now we are in a Tier II situation. Our  
21 subsistence way of life is being more restricted more  
22 and more every year. If anyone is going to be  
23 restricted, it should be the ones that use any  
24 resource other than subsistence. Thank you for your  
25 time and effort on these matters, John Lind,  
26 President.

27

28 And the second part of the letter from Vic Barnes  
29 representing the Alaska Professional Hunters  
30 Association states that an important concern is  
31 Proposal 36 that addresses moose hunting on federal  
32 lands south and west of the Chignik and Black Lake  
33 drainages in Unit 9(E). It's my understanding that  
34 Proposal 36 seeks to understand the season -- extend  
35 the season for federally qualified users to January  
36 20th and impose a hunting closure to non-federally  
37 qualified users. I also understand that the basis for  
38 the proposed hunting closure is lack of survey data.  
39 Surveys scheduled by the state and federal biologists  
40 for 1998 were canceled due to inclement weather.

41

42 I recommend that the component of Proposal 36  
43 that extends the hunting season to January 20th be  
44 adopted and that the component that limits hunting to  
45 federally qualified users not be adopted. My reasons  
46 are as follows: The most recent survey data for use  
47 in Unit 9(E) clearly indicates that the population is  
48 stable, in balance with available habitat and that  
49 current levels of harvest are appropriate; competition  
50 between local and non-local hunters is minimal, has

1 had little or no effect on harvest by local hunters  
2 and because of restrictions imposed on guides and  
3 transporters by the Alaska Peninsula Becharof Refuge  
4 probably has decreased in recent years; extension of  
5 the hunting season to federally qualified users to  
6 January 20th will increase hunting opportunity for  
7 local residents without competition from non-local  
8 hunters; bull cow and calf cow ratios determined from  
9 the November and December 1998 moose surveys provide  
10 clear evidence of a healthy moose population. It is  
11 highly unlikely that the status of moose in the  
12 Chignik unit of Unit 9(E) is substantially different  
13 from that of moose in nearby areas that were  
14 surveyed. Moose surveys have been scheduled for the  
15 Chignik unit in 1999, thus the most logical approach  
16 is to reject the proposed closure of the Chignik unit  
17 to moose hunting by non-qualified users and make  
18 appropriate management decisions after the '99 survey  
19 has been analyzed. Current biological and substantial  
20 use data do not support the proposal to limit harvest  
21 to local hunters.

22  
23 Mr. Demientieff, I am grateful to you and the  
24 Federal Board for the opportunity to comment on the  
25 proposed federal subsistence regulations. Thank you  
26 for your consideration of my previous comment, as well  
27 as those provided above.

28  
29 We also received a letter from the Katmai Guide  
30 Service submitted by Joe Klutsch, Master Guide. At  
31 its March meeting in Dillingham, the Southwest  
32 Regional Council recommended that moose hunting be  
33 closed in portions of Unit 9(E) south of the Chignik  
34 River and Black Lake to all but qualified rural  
35 residents. I testified at the meeting that there is  
36 no biological evidence presented that could justify  
37 this proposed closure. I also stated that there was  
38 absolutely no evidence to indicate that the health of  
39 this population was jeopardized by non-subsistence  
40 hunting.

41  
42 In addition, statements by some of the -- some  
43 that competition with non-subsistence hunters was  
44 preventing local people from meeting their needs.  
45 Given the extremely low level of non-resident harvests  
46 in the proposed closure area and given the extremely  
47 short season of non-resident, September 10 to 20,  
48 these claims are simply not valid. An exclusive  
49 subsistence-only season runs September 1 to 10 and  
50 there is virtually no non-subsistence hunting in the

1 December January season. This season has extended  
2 into January by the Board of Game for the purpose of  
3 allowing additional opportunity when travel is  
4 better.

5  
6 In your letter to the Native Council of Port  
7 Heiden, Ivanof Bay Village Council, Chignik Lagoon  
8 Corporation, Chignik Lake Village Council, Becharof  
9 Corporation, Pilot Point Traditional Council, Bristol  
10 Bay Regional Council, and the Bristol Bay Native  
11 Association written August 28th, 1998, to request for  
12 special action closure request, you clearly outlined  
13 the reasons for a closure was not justified. The  
14 population is healthy, and there is ample opportunity  
15 for locals to hunt without any competition with  
16 others.

17  
18 Surveys were conducted by ADF&G, along with U.S.  
19 Fish & Wildlife Service in the late fall of '98. They  
20 further confirm that the population is healthy. In  
21 fact, the bull cow ratio was excellent area-wide with  
22 44% of the bulls surveyed had antler spread over 50  
23 inches. If there were a problem with non-subsistence  
24 hunting, you would not find this to be the case. A  
25 portion of the proposed closure area was not surveyed  
26 due to mechanical problems with aircraft. Still,  
27 there is no reason to believe that the status of the  
28 moose population within the unsurveyed area is any  
29 different from that of the vast adjoining area that  
30 was surveyed.

31  
32 I would, however, like to request that the area  
33 in question be surveyed in the fall of 2000 and that  
34 the current proposal for closure be tabled pending the  
35 results of that survey. For nearly 30 years, myself  
36 and a number of other guides have publicly supported  
37 the principle of subsistence priority. Opponents of  
38 the priority have often stated that the provisions of  
39 Title VIII would be used to arbitrarily eliminate  
40 non-area non-resident hunting opportunities. The  
41 federal system should have sufficient checks and  
42 balances to prevent unwarranted closures from being  
43 imposed. I believe that the Unit 9(E) moose season  
44 closure proposal further threatens the integrity of  
45 the federal allocation system. Tabling of this  
46 proposal pending the completion of the fall 2000  
47 survey seems to be a reasonable alternative.

48  
49 Please give my remarks your serious  
50 consideration. Sincerely, Joe Klutsch. That



1 concludes those public comments. Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Staff committee  
4 recommendation?

5

6 TOM BOYD: Mr. Chair, the staff committee  
7 recommends, and I'll just focus you on Page 86, to  
8 align with the recent State action to extend the moose  
9 season, the winter portion of the moose season to  
10 January 20th, but to not close federal lands. In  
11 brief, the staff committee felt that the biological  
12 information presented, as elaborated by Mr. Fisher,  
13 indicated that there really just wasn't a reason to  
14 close federal public lands in the area. Although  
15 there wasn't a recent survey in the smaller Chignik  
16 area, it was felt that the survey results from the  
17 other area plus the information that was provided by  
18 the staff of the Alaska Department of Fish & Game and  
19 the peninsula refuge biologists felt secure in that  
20 information and so would not warrant closing federal  
21 public lands.

22

23 I would indicate that the staff committee did --  
24 was not unanimous. There was a dissenting opinion,  
25 which felt that the subsistence users were  
26 encountering competition and weren't meeting their  
27 needs. Moreover, the absence of survey data in that  
28 one area, it was felt that we should wait and have  
29 solid information before opening that area.

30

31 CHAIRMAN DEMIENTIEFF: Thank you.  
32 Department comments?

33

34 ELIZABETH ANDREWS: Mr. Chair, we concur  
35 with the staff committee's recommendation. I think  
36 all the biological information that we had was  
37 incorporated and we don't have a problem with the  
38 season dates, and we also don't think that there's  
39 information that would support a closure of the  
40 federal public lands to non-qualified users.

41

42 CHAIRMAN DEMIENTIEFF: Thank you.  
43 Mr. King?

44

45 GARY KING: Okay, I'll back off on the  
46 credentials, how long I been flying the country, and  
47 cut right to the chase. I've received a couple of  
48 faxes here today. These are from Chignik Lagoon.  
49 There's two of them and they're certified by the  
50 postmaster in Chignik Lagoon and since this gentleman

1 over here is such a good reader, I'd like him to read  
2 these into the record for me. Could I do that?

3

4 JERRY BERG: Well, I can't quite read  
5 their names. I guess I'll just read the text.

6

7 GARY KING: The first one's from Clem  
8 Grunert, Chignik Lake and the other is from Cecil  
9 Kalmakoff -- excuse me, Maury Pedersen, both of  
10 Chignik Lagoon.

11

12 JERRY BERG: The first one's from Maury.  
13 Be it acknowledged that Marius Pedersen of Chignik  
14 Lagoon Alaska, the underlying dependent being of legal  
15 age, does hereby depose and say under oath as  
16 follows: Mr. Chairman and Federal Subsistence Board  
17 members, I have lived in Chignik Lagoon for all my  
18 life, almost 50 years for all the time in the fall  
19 time of the year. I have personally flown my own  
20 airplane around here for almost 30 years. The past  
21 fall moose season in the month of September I flew  
22 numerous times on several days around the Chignik  
23 Lagoon area to specifically -- to specially survey the  
24 area for moose. I surveyed the area from Hook Bay to  
25 the east of Chignik Lagoon and to Ivan Bay to the west  
26 of Chignik Lagoon. I saw a lot of moose. In fact, I  
27 saw the most moose in this area that I have ever  
28 seen. The majority of the moose I saw were bull  
29 moose. The area that I looked at is the flight 15  
30 minutes on either side of Chignik Lagoon. Most of  
31 this land is private Native corporation property.  
32 From my personal observations, the moose population on  
33 Native corporation land last fall had ample moose for  
34 anyone there, here locally to harvest a subsistence  
35 moose.

36

37 I am sending you this affidavit because I am  
38 against Proposal 34. I am in favor of the Tier II  
39 caribou hunt. We need to build the caribou herd back  
40 up around here. We have plenty of moose and I believe  
41 it is wrong to shut hunting down when there is no  
42 biological need to do so and I affirm that the  
43 foregoing is true except as to statements made upon  
44 information and belief and to those I believe them to  
45 be true. Witness my hand under the penalties of  
46 perjury this 2d day of May, 1999.

47

48 The second affidavit from Clemens Grunert, Jr.,  
49 be it acknowledged that Clemens Grunert, Jr. of  
50 Chignik Lagoon, Alaska, the underlying deponent being

1 of legal age does hereby disclose and say under oath  
2 as follows: I am opposed to Proposal 34. I have  
3 lived all my life here at Chignik Lagoon and we do not  
4 have any problems here of getting subsistence moose.  
5 I agree with the biologist that we have plenty of  
6 moose and I am that -- the foregoing is true except as  
7 to the statements made upon information and belief,  
8 and as to those I believe them to be true. Witness my  
9 hand under the penalties of perjury this May 2d, 2d  
10 day of May, 1999.

11  
12 GARY KING: Thank you for that  
13 privilege. I also have a letter dated August 19, 1998  
14 and one dated August 18, '98 and these were addressed  
15 to the Regional Advisory Council Coordinator, Office  
16 of Subsistence, Fish & Wildlife Service, Tudor Road,  
17 and they're from Cecil Kalmakoff (ph) who is Acting  
18 President of the Ivanof Bay Village bay Council, which  
19 is also the Chignik unit that we are all concerned  
20 about, as far as the moose population.

21  
22 The first letter refers to the special action of  
23 the Federal Subsistence Board to close sport hunting  
24 and he talks about the caribou hunting and he was  
25 concerned about populations and so forth, but after he  
26 let that -- sent that letter, he was concerned so he  
27 wrote a letter again the second day to the same  
28 address and it's dated August 19th and it's much  
29 shorter and I'll read that.

30  
31 He said the types of game that I was referring to  
32 is the caribou herd only. We feel there's a great  
33 number of moose in our area, as we see them swimming  
34 across the bay every summer from our front windows,  
35 but never see caribou, even when we're going out  
36 looking for them. The main meat of our people of  
37 Ivanof Bay is caribou. It would be very rare to see  
38 anyone eating moose.

39  
40 Okay, I'll submit this into the record or  
41 whatever you'd like to do with it.

42  
43 I'm going to harp on the point of no biological  
44 information. Running a business like I do on the  
45 Alaska Peninsula, my federal concession areas, I'm  
46 allocated a certain number of clients that I can take  
47 a year. We'll talk about the Chignik units. The two  
48 Chignik units that I have are Fish & Wildlife Service  
49 areas are AKP 11 and AKP 12. These are the areas  
50 affected by this proposed closure of the Chignik

1 unit.

2

3 I have authorization from the United States Parks  
4 or Fish & Wildlife Service to harvest three moose in  
5 one area and four moose in the other area, a total of  
6 seven moose. Mr. Gillis has the area south of me and  
7 he'll testify as to how many he's authorized, but I  
8 believe it's one or two. So we're talking about nine  
9 whole moose here. So we want to bring this into  
10 perspective. We have 11 days to do that in, September  
11 10 to September 20.

12

13 As a responsible guide, like I mentioned before,  
14 when the moose population was in trouble, I curtailed  
15 my moose hunting activities to preserve that  
16 resource. I started down in that area when I was 18  
17 years old and I'm 46 years old now and I know I got  
18 another 20 years in it ahead of me, and the last thing  
19 that I want to do is diminish the resource. I sell  
20 quality trophy moose hunts. That means we're hunting  
21 the old, mature bulls only. I can rarely think of a  
22 moose that we ever shot that was under 60 inches.  
23 We're talking old, mature bulls. Now, bulls don't get  
24 old and mature unless there's young moose coming up.  
25 We're always conscious, we always count calves, we  
26 watch for twins, we watch the population in these  
27 surveys.

28

29 I've got three surveys here and I did send  
30 Mr. Fisher a copy of my survey of Chignik, which  
31 included my field notes. These are all typed up real  
32 pretty, but my field notes are a little scratchy  
33 because they're on the notebook on one knee flying  
34 around in turbulent weather on the Alaska Peninsula in  
35 a super cub, so they're hard to read, but I gave him  
36 the notes just to lend a little authenticity to the  
37 surveys.

38

39 The first survey I brought with me is from the  
40 Cinder River area and it was taken on September 9,  
41 1997. This is the day before the opening of the  
42 season. And I won't tell you where every moose was or  
43 how big he was, but just for instance, the field notes  
44 would refer to it as the moose pasture, lower Lava  
45 Creek, actual location would have been Lava Creek.  
46 The spread of the moose I estimated 62 inches. In my  
47 experience, I'm rarely more than an inch or two off,  
48 otherwise I wouldn't hold my job. Brow tines three by  
49 three. That means three brow tines on each side. It  
50 goes on to list on this one the report of the Cinder

1 River area, 45 bull moose that I would call trophy  
2 moose. The smallest one I think on this sheet was a  
3 54 moose I just happened to write down and they range  
4 all the way up over 70 inches.

5  
6 Now, in a season like that, we would have  
7 harvested 10 moose. Again, we're not counting cows on  
8 this. Sometimes I write down an incidental cow, but  
9 again, in the same area, in the '98 survey, 49 bull  
10 moose in that trophy class of which we harvested I  
11 believe last year eight.

12  
13 Now, the reason I bring up this information is  
14 these counts and numbers coincide nearly perfectly  
15 with the Seller's Squibb survey of that same area that  
16 they did last fall. And when they say 44% of the  
17 bulls that they -- bulls that they counted were 50  
18 inch plus trophy bulls, I ran some numbers out on the  
19 total moose that they had and they are counting within  
20 about five percent the same moose I was counting.

21  
22 So back to the Chignik area. My survey last year  
23 of the Chignik area taken on September 7th and  
24 September 8th in the same area, I counted 43 bull  
25 moose. All right, they didn't get to count that.  
26 They had airplane problems and weather problems. Took  
27 me two days to get it done, but I did it before the  
28 moose season last year, just to assure that I'm taking  
29 the right number of moose for the area, as my long  
30 history on the Alaska Peninsula shows I've had great  
31 husbandry to these areas that I've been granted by the  
32 State -- or by the federal government. I want to  
33 assure you that the moose population in the Chignik  
34 area is in line with the Squibb and Seller's survey,  
35 although they didn't get the chance to count over  
36 there. It's a smaller area and we counted 43 bulls,  
37 of which I believe we harvested five last year. So we  
38 are not putting a dent in the population, which is  
39 further illustrated by the bull to cow ratio. Ideal  
40 ratios of bull to cows is in the 40 to 50 percent  
41 range. Bull moose to cow ratios in all the surveys  
42 that they're doing and I'm sure you've all read it,  
43 but I'd just like to emphasize is running 70% plus.  
44 The calf ratio is running 23%. The calf ratios back  
45 in '72 were running 15%. Okay, I attribute this to  
46 the fact that we're stepping up the bear hunting  
47 numbers a little bit and we're holding our moose  
48 numbers at what we think is a very good ratio for the  
49 areas, and again, we're permitted by the federal  
50 government not to take any more than that.

1                   CHAIRMAN DEMIENTIEFF: Mr. King, if I  
2 could get you to summarize, we're going to -- we're  
3 going to be closing up in a few minutes here and I  
4 want to give the other people who signed up an  
5 opportunity to testify. It doesn't look like we're  
6 going to be able to deliberate -- I don't mean to cut  
7 you short, but I just want to give --

8  
9                   GARY KING: I can come back tomorrow. I  
10 got lots of good stuff here. Let me see if I can't  
11 summarize and finish up here. The question of not  
12 being able to meet the needs coming out of a couple of  
13 the Chignik, Chignik Lagoon and Chignik Bay, okay,  
14 these letters, you can see by the letters you've got,  
15 they're all run off on the same, they all say it's our  
16 second worst fishing season in a row and so forth.  
17 They're all obviously authored by the same person. So  
18 I want you to look at that. It's basically a move to  
19 eliminate the sport hunting in that area, even though  
20 it is regulated by number and has no foundation  
21 biologically.

22  
23                  When they say they're not meeting their needs,  
24 the reason they're not meeting their needs is because  
25 they're not hunting and I don't know why they're not  
26 hunting, but on the tribal lands that surrounds these  
27 two villages, just the tribal lands, there are more  
28 than sufficient numbers of moose.

29  
30                  Now, I have augmented, just last year alone, and  
31 I have mailed this to this Board and if none of you  
32 have copies, I'll bring you copies in the morning and  
33 this is just last year's moose meat deliveries to  
34 these local villages. And you know, the names of who  
35 got the meat are the who's whos, the old folks and the  
36 single mothers from Port Heiden, Pilot Point, Chignik,  
37 Perryville, right on down the line here, and in  
38 essence, last year, I delivered 7470 pounds of fresh  
39 moose meat, plus heart and kidneys to Chignik Lake.  
40 This represented 70.14% of all the moose meat that we  
41 harvested last year. Seventeen percent of that was  
42 kept for lodge use, 17% of the meat, and 12.86% of the  
43 moose meat that we harvested last year, the hunters  
44 kept and took home. So the bottom line is, the people  
45 that can't go out and get meat, we're delivering meat  
46 to them. We're also providing, you know, a stable  
47 economy out there for a lot of people.

48  
49                  One last thing here, in Title VIII of ANILCA,  
50 Section 8.15(3) and I'm sure you've all read this, but

1 it's limitations and saving clause and basically what  
2 it says, nothing in this Title shall be construed as  
3 authorizing a restriction on the taking of fish and  
4 wildlife for non-subsistence uses on public lands,  
5 other than national parks and national monuments,  
6 unless necessary to conserve a healthy population of  
7 fish and game.

8  
9       You're charged with the duty to do the right  
10 thing and you have no sound biological reason. Your  
11 subsistent needs are being met by those who get out  
12 and hunt. We've got sworn affidavits from people that  
13 say the moose are there, all you've got to do is go  
14 get them and those who can't go get them, we are  
15 supplying meat to those people to help take care of  
16 their needs. You've got no sound biological reason  
17 and you're charged with the duty not to overstep the  
18 authority of the Board for a few people who are trying  
19 to put a few other people out of business. It's as  
20 simple as that. We're taking good care of the moose  
21 there and we've got plenty moose in the Chignik and  
22 your surveys in future years will document that. I  
23 really thank you for your time.

24  
25               WARREN HEISLER: Mr. Chair, may I ask  
26 Mr. King a question? When did you deliver that  
27 information to Mr. Fisher?

28  
29               GARY KING: About ten days ago.

30  
31               WARREN HEISLER: Thank you.

32  
33               CHAIRMAN DEMIENTIEFF: Mr. Gillis?

34  
35               MEL GILLIS: Mr. Chairman, Board, going  
36 to be real short and quick. I know you want to go  
37 home. I do, too. I just wanted to say on this  
38 Proposal 36, on the effects and change of fish and  
39 wildlife population, it says in here due to an  
40 increase in the number of sports hunting Subunit  
41 9(E). On federal land there, we've got a certain  
42 number of animals that the Federal Fish & Wildlife  
43 allots us and we're stuck with it. My number's  
44 three. I can hunt three moose on federal land. My  
45 area on federal land is across the mountains from  
46 everybody else. It just touches federal land, but  
47 right on the borderline between the State and the  
48 Federal land is where the moose are, the habitat for  
49 them.

50

1        So I can't see where there's going to be an  
2 increase in the number of sport hunters hunting in  
3 Subunit 9(E). It's just not going to happen. On  
4 federal land you're stuck with what you had seven  
5 years ago.

6  
7        The number of moose will be 9.8 if you shut down  
8 the Chignik Lake to Black Lake on over Ilnik, if you  
9 shut that off. The last six years, there was a total  
10 of 9.8 moose taken out there down south of that line.  
11 That was also including State land. So it's really no  
12 big deal there. There's plenty of moose over there.

13  
14        As far as surveys go, if I could just read one  
15 thing here, this was sent to Ron Squibb of Fish &  
16 Wildlife Service in King Salmon, the subject is moose  
17 survey. It's an unofficial moose survey. I'm just  
18 going to read parts of it, so you can accuse me of  
19 picking and choosing, I guess. Specifically, I flew  
20 the heads of three different bays. This is Chignik  
21 Airways out of Chignik. I'm sorry, let me start  
22 over. The area I covered in the survey was between  
23 Chignik Lagoon and Perryville on the Pacific Ocean  
24 side. Specifically, I flew the head of three  
25 different bays. These bays were Anchor Bay, Ivan Bay  
26 and Portage Bay. I counted a total of 138 moose. The  
27 snow conditions have not been this large in  
28 accumulation in a long time. So that gave them a good  
29 survey. Says that the greatest number of moose are on  
30 private Native land and not on Refuge land.

31  
32        Now he flies for me down there sometimes. He got  
33 a 206 and he does fly for me, so he also stated that  
34 he flew for me for 20 hours during the moose season in  
35 September of 1998. I flew the dates from September  
36 7th through September 20 looking for moose in three  
37 main areas. These areas were the federal land at the  
38 head of the Milky River between Sandy Lake and Bear  
39 Lake, the federal land at the head of Sandy Lake and  
40 the State land of the Sandy River.

41  
42        The largest count we had was in the late  
43 afternoon and early evening of September 15th, 1998.  
44 This count was 36 bulls. Like I say, I take three a  
45 year; that's it. So we do have a good healthy bear  
46 population. I hate to say it, but I am older than  
47 Butch. I been down there for around 30 years, and I  
48 just, from my own personal knowledge of seeing it, the  
49 guides are not trying to hammer the area. They're  
50 trying to take care of it because when you're going to



1 be in an area for 30 years, you better take care of it  
2 or you're out of business. That's all I have to say.

3

4 CHAIRMAN DEMIENTIEFF: Thank you. Ted,  
5 do you wish to testify this evening? You're the last  
6 one signed up here.

7

8 TED KRIEG: Yeah, Mr. Chairman, if  
9 there's time, I guess I'm not even sure what time it  
10 is, but yeah, my name is Ted Krieg. I work for the  
11 Bristol Bay Native Association, Natural Resource  
12 Department. I've worked there for over six years and  
13 I guess there's some issues that have been going on  
14 down in that area for a long time that I'll touch on a  
15 little bit later and I'll try to be brief. I don't  
16 know if I have anything new to present that hasn't  
17 already been said or isn't written up, but you know, I  
18 do want to commend the guides for providing quality  
19 meat to the villages. You know, I even did get a  
20 report that the quality of the meat has improved and  
21 that's great. I don't want that to stop, but that's  
22 not subsistence. You know, in my mind and I think in  
23 the mind of a lot of minds of the people living in  
24 that area, you know, it's the basic, you know,  
25 question of why is somebody hunting if they don't want  
26 the meat.

27

28 I didn't have a chance to see the information  
29 presented by Mr. King. You know, but I can say that  
30 that, you know, those -- those views don't represent  
31 the views of everybody living in that area. And  
32 there's one thing that -- a group here that isn't  
33 really represented and is considered to be sport  
34 hunter and that's people that are -- that come in that  
35 aren't brought in by the guides, the air taxi  
36 operators, people that drop off hunters, and you know,  
37 in some people's minds, they're more of a problem  
38 because they're unregulated. You know, they don't  
39 have a guide there that is, you know, pointing out the  
40 right way to do things.

41

42 One of the concerns about all of this is due to  
43 the -- due to the situation with the Northern Alaska  
44 Peninsula caribou herd, subsistence hunters are going  
45 to be targeting moose more in that area. In the  
46 caribou and moose workshop that we had last September  
47 that's been referred to a couple of times, I guess one  
48 of the things that was identified was this, the lack  
49 of biological, you know, population information for  
50 that Chignik side of the Alaska Peninsula, and that

1 was the basis for this original proposal, and like was  
2 stated, surveys were done and you know, saw a lot of  
3 moose, but you know, the subsistence users in those  
4 areas are still saying that in their traditional  
5 areas, they're just not seeing the moose.

6  
7 And this, you know, the Chignik unit, that area  
8 wasn't surveyed. The Regional Council felt that they  
9 wanted to, you know, base their decision on  
10 conservation of the resource and they felt until that  
11 biological information had been presented with Fish &  
12 Game and Fish & Wildlife Service, that they wanted to,  
13 you know, restrict hunting in that area to subsistence  
14 only.

15  
16 You know, we've heard -- I can remember, you  
17 know, since I started working at BBNA, you know, this  
18 discussion about mountain passes and especially those  
19 passes that go into the Stepovak flats area, and you  
20 know, when I started out working, people from Ivanof  
21 Bay were saying that that's been -- any kind of  
22 disturbance in that area will move, prevent animals  
23 from going through there, both caribou and moose, and  
24 I guess you know, one of the things that I noticed,  
25 the BBNA area includes units, Game Management Units 17  
26 and 9. In Unit 17, for the Togiak area, there's the  
27 upper end of Aleknagik Lake, Sunshine Valley and  
28 there's valleys that go into across the mountains to  
29 the Togiak drainage and those areas have been closed  
30 to hunting and that's specifically for moose in that  
31 area and Fish & Wildlife Service and ADF&G have  
32 documented moose migrating through that area. In  
33 fact, they've had a phenomenal increase in number of  
34 moose in the Togiak drainage and they attribute it to  
35 moose moving through those passes and that's a fact  
36 that people haven't hunted there and it's come up in  
37 some of the later proposals that, you know, they --  
38 people from Aleknagik, Dillingham and that area have  
39 not hunted in that traditional area so they could get  
40 moose to go over to the Togiak side. So there's -- in  
41 my mind, there's two different management strategies  
42 going on here in the Bristol Bay area.

43  
44 I guess I'll just -- I'll close saying that BBNA  
45 supports the Regional Council recommendations to close  
46 that Chignik unit to subsistence only until the  
47 population surveys have been done and then to decide  
48 whether to reopen that area or not, and we support the  
49 extended moose season for Unit 9(E) from December 1st  
50 to January 20th. Thanks.

1                   CHAIRMAN DEMIENTIEFF: We're going to  
2 recess for the day. We'll be reconvening with the  
3 deliberation of 36 at 8:30 in the morning. Good  
4 evening, everybody.

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6                   (Off record 5:10 p.m.)  
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1 STATE OF ALASKA)

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3 I, JOY S. BRAUER, RMR-CRR, Registered  
4 Merit, Certified Realtime Reporter, Notary Public in  
5 and for the State of Alaska, do hereby certify that  
6 the above transcript, pages 1 through 83, inclusive,  
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10 I FURTHER CERTIFY that the foregoing is a  
11 transcript of the proceedings which occurred at the  
12 time and place specified hereinbefore.

13

14 IN WITNESS WHEREOF, I have hereunto set  
15 my hand and seal this day of ,  
16 1999.

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25 My Commission Expires: 5/10/01

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